

FALL TOWN MEETING WARRANT TOWN OF WAREHAM

OCTOBER 24, 2016

WAREHAM HIGH SCHOOL
7 VIKING DRIVE
WAREHAM, MA

7:00 PM

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in the High School Auditorium, 7 Viking Drive, Wareham, MA on Monday, October 24, 2016 to act on the following articles:

ARTICLE 1 – BUDGET TRANSFERS

To see if the Town will vote to transfer sums of money within the budget lines as voted in Article 7 of the 2016 Spring Annual Town Meeting and, further, transfer from available funds to said budget lines, or to take any other action relative thereto.

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

ARTICLE 2 - APPROVE AND FUND FALL FY17 CAPITAL PLAN

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

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

ARTICLE 3 – TRANSFER OF FREE CASH

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

- a. Fund the Stabilization fund;
- b. To Fund MS4 Assessment;

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- c. To Fund Master Plan

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

ARTICLE 4 – TRANSFER OF FREE CASH TO CODE ENFORCEMENT REVOLVING FUND

To see if the Town will vote to transfer a sum of money from Certified Free Cash to the Code Enforcement Revolving Fund or to take any other action relative thereto.

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

ARTICLE 5 – UNION CONTRACTS

To see if the Town will vote to take action, raise and appropriate or transfer a sum of money from available funds to fund the Collective Bargaining Agreements between the Town and:

- A. AFSCME Council 93 AFL-CIO Local 30 Wareham Library Employees;
- B. Massachusetts Labor's Public Employees Council Union 1249 of the Labor's International Union of North America Wareham Dispatchers Union;
- C. Massachusetts Labor's Public Employees Council Union 1249 of the Labor's International Union of North America Wareham Clerical Union;
- D. Wareham Police Union;
- E. United Steelworkers, AFL-CIO-CLC, Local Union 13507, Unit 7 - Lower Managers Union;
- F. United Steelworkers, AFL-CIO-CLC, Local Union 13507, Unit 8 - Upper Managers Union;
- G. Wareham Foreman's Union;
- H. Wareham Superior Officers Union;
- I. Non-Union personnel;

or to take any action relative thereto.

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

ARTICLE 6 – ESTABLISH RENTAL REVOLVING FUND FOR FORMER HAMMOND SCHOOL

To see if the Town will vote to establish a town building rental revolving fund as allowed by Section 3 of chapter 40 of the General Laws as amended in the Municipal Modernization Act, funds from the lease of the former Hammond School shall be deposited into this fund to be expended by the Municipal Maintenance Director for the upkeep, maintenance and operating costs of the former Hammond School or to take any action relative thereto.

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

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ARTICLE 7 – TRANSFER OF FUNDS TO FUND PARKING KIOSK PROGRAM

To see if the Town will vote to transfer a sum of money from Receipts Reserved for Appropriation Parking at Onset Pier to fund the Parking Kiosk Program to be used for related expenses of running the parking kiosk program, with such funds to be distributed by approval of the Town Administrator, or to take any other action relative thereto.

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

ARTICLE 8 - HARBOR SERVICES PERMIT RECEIPTS RESERVED FOR APPROPRIATIONS ACCOUNT

To see if the Town will vote to transfer the sum of \$79,128.77 from the Harbor Services Permits Receipts Reserved for Appropriations Account, to be transferred to the Harbormaster's Maintenance and Improvements account, or take any other action relative thereto.

- a. Repair and maintenance to markers, moorings, docks, pier and public access areas**– This covers costs of general upkeep and maintenance to 125 navigational aids, town owned moorings, docks and piers, as well as the replacement of two federal navigational aids that will be removed for the 2017 boating season. Two large town maintained markers will be put in place of removed federal markers. \$10,000.00
- b. Department equipment maintenance and repairs, safety equipment**
Upkeep and maintenance to harbormaster equipment, patrol boats, vehicles and update safety equipment. \$6,000.00
- c. All Terrain Vehicles**
Purchase two all-terrain vehicles equipped with snow plows. Vehicles will be utilized to access shorelines, patrol beaches, inland pond access, herring run maintenance, provide assistance during search and rescues, and snow removal of public access areas. Due to their compact size these vehicles provide an efficient way to gain access to coastal areas. \$20,400.00
- d. Mooring Management Software**
Payment for the yearly contract that maintains the department web based mooring and harbormaster reports management system. \$8,000.00
- e. Printing, mailing and supplies**
Expenses of printing and mailing Harbor Service Permits, stationary and office supplies for processing permits. \$1,500.00

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f. Vehicle Lease Payment

This is the third lease payment for a one ton 4x4 vehicle. This funding is being requested to allow timely payment for this leased vehicle. The lease payment was originally requested at spring town meeting which did not allow for adequate time to process the payment in a timely fashion. The Town of Wareham did not incur any additional cost or penalties. \$11,728.77

g. Architecture and engineering, professional services

Funding will be used for a conceptual redesign and program analysis of the Onset Pier Harbormaster Office to incorporate an updated office space and information center, small rental kiosk space, additional bathrooms, showers and updated handicapped accessibility. \$6,000.00

h. Automatic Defibrillators

Replace three automatic defibrillators located on the Patrol boats and at Onset Pier office. \$6,500.00

i. Waterfront Public Access Upgrades

Obtain a beach wheelchair for persons with mobility difficulties, replace swim lines and add swim lines to public beaches, supplies to build dinghy kayak rack storage at public access areas, beach barriers and snow fence supplies to preserve public beaches from winter conditions and vehicle damage. \$9,000.00

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

ARTICLE 9 - WATERWAYS ACCOUNT TRANSFER

To see if the Town will vote to transfer the sum of \$25,000.00 from the Waterways Account , to be transferred to the Harbormaster's Maintenance and Improvements account or take any other action relative thereto.

Professional Services and Onset Boat Ramp contingency

Engineer project oversight and cover any unforeseen expenses during the renovation to the Boat ramp.

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

ARTICLE 10 – FY16 UNPAID BILLS

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

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

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ARTICLE 11 - WPCF TRANSFER OF FUNDS

To see if the Town will vote to transfer from available funds a sum of money from the Water Pollution Control Facility Retained Earnings Account for the purpose of permitting, planning, design, modification, improvements to the equalization basins, or to take any other action relative thereto.

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

ARTICLE 12 - WPCF TRANSFER OF FUNDS

To see if the Town will vote to transfer from available funds a sum of money from the Water Pollution Control Facility Retained Earnings Account to the Water Pollution Control Facility Annual Budget for the purpose of permitting, planning and design of the primary clarifiers, or to take any other action relative thereto.

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

ARTICLE 13 - WPCF TRANSFER OF FUNDS

To see if the Town will vote to transfer from available funds a sum of money from the Water Pollution Control Facility Retained Earnings Account for the purpose of inspecting force main from the Narrows pump station to the WPCF Treatment Plant, or to take any other action relative thereto.

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

ARTICLE 14- RESCIND PRIOR YEAR BOND AUTHORIZATIONS

To see if the Town will vote to rescind the following unissued balances of prior year bond authorizations.

<u>Date</u>	<u>Article</u>	<u>Description</u>	<u>Original Authorization</u>	<u>Unissued Balance</u>	<u>Reason</u>
05/01/2012	18	School Buses High School Roof	360,000	360,000	Debt Exclusion Defeated
04/29/2014	13	Replacement Parker Mills Pond Dam	2,708,922	2,208,922	Unexpended Balance
10/27/2014	27	Repairs	1,000,000	1,000,000	Unexpended Balance

Article Inserted by Board of Selectmen at the request of the Finance Director/Treasurer Collector.

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ARTICLE 15 – EXPEND TITLE V SEPTIC LOAN INTEREST

To see if the Town will vote to expend interest earned from loan repayments made between the Town of Wareham and Wareham residential property owners as authorized under Chapter 111, Section 127 B1/2 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 Town Administrator.

ARTICLE 16 – NUMBER OF MEMBERS – COMMUNITY PRESERVATION COMMITTEE

To see if the Town will vote to change the Wareham Town By-law Division VII, Article II, Community Preservation Committee, Chapter -1 “Establishment” to remove the Recreation Commission member and reduce the number of members appointed by the Board of Selectmen from three (3) to two (2); or to take any other action relative thereto.

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

ARTICLE 17 – WEST WAREHAM AFFORDABLE HOUSING AND OPEN SPACE

To see if the Town will vote to transfer \$635,000.00 from the Community Preservation Unallocated Fund or any other available monies in the Community Preservation Fund, under the categories of Open Space and/or Affordable Housing, for the purchase of approximately 10.18 acres of land shown as all of Wareham Assessor’s Map 96, Lots 1010A, 1010B and 1010C and a portion of Map 96, Lot 1009, to be acquired simultaneously in two components: an approximately 8.88 acre “open space component” to be owned by the Town of Wareham and an approximately 1.3 acre affordable housing component to be owned by Father Bill’s & MainSpring, all as shown on a plan on file in the Office of the Town Clerk, and further, to authorize the Board of Selectmen to combine said funds with other external non-Town sources of funding, including, but not limited to, state, federal and private funding sources, grants, contracts for reimbursement, gifts, and bequests to be used for acquisition costs and related project costs, and further, to authorize the Board of Selectmen to grant to the Wareham Land Trust, Inc. and/or another appropriate nonprofit land conservation organization a conservation restriction within the meaning of MGL, Ch. 184, Sections 31-33 over said open space component, and further, to grant a portion of the said

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funds to be applied to acquisition costs and related project costs to Father Bill's & MainSpring to acquire fee title to the approximately 1.3 acre affordable housing component, subject to a deed restriction satisfactory to the Town of Wareham limiting the use of the said component for the purpose of affordable housing as defined by the Massachusetts Department of Housing and Community Development, or to take any action relative thereto.

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

ARTICLE 18 – 4 DUPLEX UNITS AT AGAWAM VILLAGE

To see if the Town will vote to transfer from the Community Preservation Affordable Housing Reserve Fund, or any other monies available in the Community Preservation Fund, up to the sum of \$453,000.00, to award a grant to the Wareham Housing Authority to construct four (4) new units of affordable public housing at the Agawam Village site at 57 Sandwich Road, Wareham MA, or to do or act in any manner relative thereto.

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

ARTICLE 19 – GREAT NECK UNION CHAPEL RESTORATION

To see if the Town will vote to transfer from the Community Preservation Historical Preservation Reserve Fund, or any other monies available in the Community Preservation Fund, up to the sum of \$55,350, to award a grant to the Wareham Historical Society to restore the Great Neck Union Chapel, located at 495 Main Street, Wareham MA and to receive a preservation restriction, 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 20 – LOPES FIELD PLAY AREA ENGINEERING PLAN

To see if the Town will vote to appropriate from the Community Preservation Open Space Reserve Fund, or any other monies available in the Community Preservation Fund, up to the sum of \$75,000.00, to fund an engineering plan for the design of a community play area on the 4.57 acres (map 1/lot 1031) known as Lopes Field playground, or to take any action relative thereto.

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

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ARTICLE 21 - TRANSFER OF MCKINNEY-VENTO FUNDS TO TRANSPORTATION REVOLVING ACCOUNT

To see if the Town will vote to approve the transfer of McKinney-Vento revenue received in FY2017 into the School Transportation Revolving Account, or to take any action relative thereto.

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

ARTICLE 22 - PURCHASE OF SCHOOL FIELDS AND GROUNDS DUMP TRUCK

To see if the Town will vote to authorize Wareham Public Schools to purchase a new dump truck for use by the School Fields and Grounds crew, or to take any action relative thereto.

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

ARTICLE 23 – AMENDMENTS TO THE ZONING BYLAWS

To see if the Town will vote to amend the Town Zoning Bylaws as set out below, or take any other action relative thereto; for each of the following:

- A.** To see if the Town will vote to amend the Town Zoning Bylaws Article 3: Use Regulations Sec.321 Use Tables to prohibit Motor Vehicle/Boat Sales and Service as a use in the R130 District

Proposed: Amend the allowances in Section 321 Use table as follows:

Existing Table Designation:

COMMERCIAL USE	R130
Motor vehicle service	Y
Motor vehicle sales	Y

PROPOSED Table Designation:

COMMERCIAL USE	R130
Motor vehicle service	N
Motor vehicle sales	N

- B.** To see if the Town will vote to amend the Town Zoning Bylaws Article 3: Section 354 to define and regulate Storage Containers in residential districts:

Proposed: Amend Section 354 by adding:

“Storage Container for Construction – Temporary storage of materials for construction related to an open building permit at the property in containers of no more than 40 feet long, for no more than 6 months.”

“Storage Container, Accessory – Moveable storage container of no more than 20 feet in length and screened from neighborhood and public view.”

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Explanation: Storage containers are being used as accessory storage buildings. This distinguishes non-construction related containers and construction containers and adds restrictions in the new definition and relates to the next item.

- C.** To see if the Town will vote to amend the Town Zoning Bylaws Article 3: Section 340 Table of Accessory Use to regulate Storage Containers:

Proposed: Amend 340 Table of Accessory Use regulations by adding the following lines for Storage Containers:

Residential Uses	R130	R60	R43	R30	MR30	WV1	WV2	OV1	OV2	CS	CG	CP	CNF	MAR	INS	IND
Storage Container for Construction	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Storage Container, Accessory	Y	Y	Y	Y	Y	Y	Y	N	N	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ

- D.** To see if the Town will vote to amend the Town Zoning Bylaws Article 3: Section 358 Industrial Uses to amend the definition of Industrial Storage Containers

Proposed: Amend Section 358 "Storage facilities" as follows:

Existing Bylaw language

"Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit, the use of which is limited solely to the storage of inanimate objects."

PROPOSED Bylaw language

"Any structure that is used for storage of inanimate or organic objects. Storage containers used for temporary construction activities shall be limited to 40 foot long containers and for a period up to 6 months, and must be associated with an open building permit at this property."

- E.** To see if the Town will vote to amend the Town Zoning Bylaws Article 3: Section 356, replacing Bed & breakfast and Guesthouse

Proposed: In section 356, delete 'Bed & breakfast' and 'Guesthouse' and add a new definition:

Existing Bylaw language

"Bed & breakfast - A small, owner-operated business with 1 to 10 guest rooms where the owner or manager lives on the premises. Breakfast is

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the only meal served to overnight guests. Parking for each room should be provided on-site or in close proximity to the establishment.

Guesthouse – A group of detached buildings containing individual sleeping units designed or used temporarily by tourists or transients on a seasonal basis.”

PROPOSED *Bylaw language*

“Transient, guest, lodging or boarding house: A residential use housed in a single dwelling or in part of a dwelling where no fewer than four (4) but not more than ten (10) units are let or sublet lodging as private rooms or quarters not constituting dwelling units for indefinite periods of time, and where there are no overnight stays by transient guests. The building shall be occupied by the owner of the property or the manager of the use. Meals may or may not be provided, but only one kitchen facility shall exist and no meals shall be provided by the establishment to members of the general public not lodged in the establishment. Lodging or boarding houses shall not include hotels, motels, inns, sorority, fraternity and cooperative residences licensed or regulated by agencies of the Commonwealth of Massachusetts. Guest houses, lodging or boarding houses shall abide by all applicable state and local laws and regulations governing lodging houses, boarding houses, or rooming houses.”

- F.** To see if the Town will vote to amend the Town Zoning Bylaws Article 3, section 390 Special Conditions to Uses in Certain Districts to add a new Section 397:

Proposed: Add a new section 397, Transient and Guest Lodging

397 Transient and Guest Lodging

“397.1 Transient and guest lodging shall be subject to the following standards: Guest, Lodging, Boarding house and Bed and Breakfast shall be allowed a maximum of three units. In any district, the taking of lodgers/boarders/roomers/bed and breakfast lodgers (maximum three units) shall be an accessory to the use of a dwelling unit, provided that:

1. There shall be an owner who resides on the premises responsible for the operation.
2. There shall be no separate cooking facilities. However, meals may be offered/provided to lodgers/boarders/roomers and breakfast may be provided to bed and breakfast lodgers.
3. There shall be no substantial change to the exterior of the building.
4. One parking space shall be provided for each room to be occupied by lodgers/boarders/ roomers/bed and breakfast lodgers in addition to the parking required under Article 9.

397.2 Guest, Lodging, Boarding house and Bed and Breakfast - Four to Six units. In any district, the Zoning Board of Appeals may grant a Special

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Permit for the taking of lodgers/boarders/ roomers/bed and breakfast lodgers with accommodations for 4 to 6 units, as a use accessory to the use of a dwelling unit, provided that:

1. There shall be an owner who resides on the premises responsible for the operation.
2. There shall be no separate cooking facilities. However, meals may be offered/provided to lodgers/ boarders/roomers, and breakfast may be provided to bed and breakfast lodgers.
3. There shall be no substantial change to the exterior of the building.
4. One parking space shall be provided for each room to be occupied by lodgers/boarders/ roomers/bed and breakfast lodgers in addition to the parking required under Article 9.
5. There shall be a maximum of six rooms available for rental to lodgers/ boarders/ roomers/bed and breakfast lodgers.
6. A management plan, as defined in terms of form and content in the Rules and Regulations of the Zoning Board of Appeals, shall be included as part of any application made under this section. A register of all lodgers/boarders/ roomers/bed and breakfast lodgers shall be kept in accordance with the Rules and Regulations covering hotels and motels within the Commonwealth of Massachusetts.

397.3 Guest, Lodging, Boarding house and Bed and Breakfast – Six to Ten units. The Zoning Board of Appeals may grant a Special Permit for the taking of bed and breakfast lodgers in up to ten (10) rooms as a use accessory to the use of a dwelling unit. The Zoning Board of Appeals may grant a Special Permit for a use under this section, provided that, in addition to meeting the provisions of this Bylaw, the proposed use meets the following conditions:

1. There shall be an owner who resides on the premises responsible for the operation.
2. The building shall be connected to the public sewer prior to occupancy.
3. There shall be no separate cooking facilities. However, breakfast may be provided to bed and breakfast lodgers.
4. One parking space shall be provided for each room occupied by bed and breakfast lodgers in addition to the parking required under Article 9.
5. Retail and consumer services shall be provided only to bed and breakfast lodgers, and shall be clearly secondary and incidental to

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the bed and breakfast use.

6. A management plan, as defined in terms of form and content by the Rules and Regulations of the Zoning Board of Appeals, shall be part of any application made under this Section. Where retail and consumer services are proposed, such information as the Board of Appeals may require on those services shall be included in the management of this plan."

- G.** To see if the Town will vote to amend the Town Zoning Bylaws Article 6, section 625, Accessory Building Setbacks, footnote A

Proposed: Amend section 625 Accessory Building Setback; footnote A as follows:

Existing Bylaw language

"Front setbacks of accessory buildings shall be equal to or greater than the principle buildings front setback for the respective district."

PROPOSED Bylaw language

Front setbacks of accessory buildings shall be equal to or greater than the existing principal buildings front setback.

- H.** To see if the Town will vote to amend the Town Zoning Bylaws Article 16, Definitions for Buildings and Structures to amend the definition for Building Area

Proposed: Amend Article 16 "BUILDING AREA:"

Existing bylaw language

"The aggregate of the maximum horizontal plane area of all buildings on a lot measured to their outer wells, including cornices, eaves, porches, enclosed porches, enclosed stairs, decks, bay windows and balconies."

PROPOSED Bylaw language

"The aggregate of the maximum horizontal plane area of all buildings on a lot measured to their outer walls, including, porches, enclosed porches, enclosed stairs, decks, bay windows and balconies."

- I.** To see if the Town will vote to amend the Town Zoning Bylaws Article 16, Definitions to amend the zoning definition for building Height

Proposed: To amend the Zoning Bylaw, Article 16, Definitions:

Existing Bylaw language

"Height: The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean highest level of the highest gable or slope of a hip, pitch or sloped roof."

PROPOSED Bylaw language

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"Building Height: The distance from the average ground elevation as defined in 780 CMR, Massachusetts Building Code, to the highest structural member of the building. For structures other than buildings, height shall be measured from the mean grade of the natural ground around the structure to the highest point on the structure."

- J.** "To see if the Town will vote to amend the Town Zoning Bylaws Article 3, section 380 USES PROHIBITED IN ALL DISTRICTS"

Proposed: To amend the zoning bylaws and add a new listing, section 381: 381. Open lot storage of junk shall be prohibited in all districts.

Reference Information: **Petitioner** Planning Board at the request of the Building Inspector

ARTICLE 24- HOME RULE LEGISLATION REQUEST: MOBILE HOMES AS AFFORDABLE HOUSING

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE BOARD OF APPEALS OF THE TOWN
OF WAREHAM TO INCLUDE CERTAIN MANUFACTURED HOUSING
UNITS IN THE DETERMINATION OF THE PERCENTAGE OF LOW OR
MODERATE INCOME HOUSING UNITS IN THE TOWN OF WAREHAM

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

Notwithstanding any general or special law to the contrary the Board of Appeals of the Town of Wareham, in the determination whether low or moderate income housing exists in the Town of Wareham in excess of ten percent of the housing units reported in the most recent federal decennial census so that requirements or regulations imposed by said board of appeals in a permit after comprehensive hearing shall be deemed consistent with local needs, shall count as low or moderate income housing units manufactured housing units in manufactured housing communities provided:

- (1) That each qualifying manufactured housing unit has a fair cash value of no more than \$100,000 and is subject to no outstanding Board of Health citations.
- (2) That the total of (1) the average annual rent for a housing site in which a manufactured housing unit is located (2) an annual financing cost for a new

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manufactured housing unit costing \$100,000 at a then current interest rate charged by an area lender to a credit-worthy borrower and (3) the annual costs of utilities, not included in rent, for a manufactured housing unit in the northeast region, estimated by a manufacturer, trade association or other reliable source, is affordable to a one person household at no more than 80% of area median income, as determined by the federal Department of Housing and Urban Development, paying no more than 30% of income for these expenses.

- (3) That the median income for a household in the census tract in which the manufactured housing community is located, as computed in the most recent federal decennial census, is less than 80% of area median income, as computed by the federal Department of Housing and Urban Development.

Submitted by the Board of Selectmen.

ARTICLE 25 – APPOINTMENT OF THREE PERSON COMMITTEE

To see if the Town will vote to authorize the Board of Selectmen to appoint a three person committee to study the organization of redevelopment services in the Town, such committee to report to the 2017 Spring Annual Town Meeting, or to take any other action relative thereto.

Submitted by Board of Selectmen.

ARTICLE 26 - STREET LAYOUT: CORY DRIVE & DAMIEN DRIVE

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

Submitted by the Board of Selectmen.

ARTICLE 27 – HEAR REPORTS

To see if the Town Meeting will vote to hear reports, or take any other action relative thereto.

Submitted by the Board of Selectmen.

ARTICLE 28 - ZONING REWRITE COMMITTEE

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To see whether the Town will vote to create a Zoning Rewrite Committee to study current and future Zoning impacts and needs, to make reports to Town Meeting, and to prepare proposed changes to the Wareham Zoning By-Law, if any. Said Committee shall consist of five members: the Town Planner and four at-large members to be appointed by the Town Moderator.

Submitted by the Board of Selectmen.

PETITIONED ARTICLES

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

**ARTICLE 29 - TOWN OF WAREHAM BYLAWS, DIVISION II, ARTICLE 1,
SECTION 18: TEMPORARY REPAIRS OF PRIVATE WAYS**

Repair of Private Ways Open to the Public

To see if the Town will vote to amend the Town Bylaws, Division II, Article 1, by deleting in Section 18, paragraph two, the following: "and if the Board of Selectmen declare that they are required by the public necessity and convenience" and by adding the **bold** sections in paragraphs one and three below in Section 18 in the Town Bylaws, Division II, Article 1 or take any other action relative thereto.

Section 18. For the purpose of allowing safe and ready passage of police, fire, ambulance and school busses, the Town may make temporary repairs on private ways which have been opened to public use. Such repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, shall be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including but not limited to bituminous concrete. **Grading work on the private ways shall be limited to twice annually.**

Drainage as determined by the Director of Municipal Maintenance to be necessary as a result of the repairs may also be done. Said repairs shall be made only if petitioned for by the abutters who own 50 percent of the linear footage of such ways. "and if the Board of Selectmen declare that they are required by the public necessity and convenience"

Abutters shall be charged only for the cost of any and all material used in the work. The cost of **materials to do** such repairs shall be paid by the abutters by a cash deposit or betterment assessment as hereinafter provided. No repairs shall be commenced unless and until a cash deposit equal in the amount to the estimated cost of materials of such repairs as determined by the Director of Municipal Maintenance to do the work, is paid over to the Town or the Board of Selectmen have made a determination that betterments will be assessed.

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If the Board of Selectmen determine that betterments will be assessed they shall make such assessments upon the owners of the estates which derive particular benefit or advantage from the making of such repairs on any such private way a sum equal, in the aggregate, to the total cost thereof, in the case of each such estate, in proportion to the frontage thereof on such way. Except as herein otherwise provided, the provisions of Chapter 80 relating to public improvements and assessments therefore shall apply to repairs to private ways made under the authority of this section.

The Town shall not be liable on account of any damage whatever caused by such repairs and Section 25 of Chapter 84 shall not apply. The Board of Selectmen may require an indemnity agreement executed by the said petitioning abutters indemnifying the Town for all claims and damages which may result from making such repairs.

Inserted by Edward Pacewicz, et al.

**OCTOBER 24, 2016
FALL TOWN MEETING WARRANT (CONT'D)**

You are hereby directed to serve this Warrant by posting attested copies thereof on or before September 15, 2016 in at least one public place in each precinct within the Town, and by publishing a copy of the Warrant by October 6, 2016.

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 2016.

WAREHAM BOARD OF SELECTMEN

Judith Whiteside, Chairman

Peter W. Teitelbaum, Clerk

Patrick G. Tropeano

Alan H. Slavin

Anthony R. Scarsciotti, Jr.

A True Copy

ATTEST:

DATE: September, 2016

Plymouth, S.S.

Steven P. Coughlin, Constable of Wareham

Pursuant to the within Warrant, I have notified the inhabitants of the Town of Wareham herein described, to meet at the time and place for the purpose within mentioned by posting attested copies thereof in at least one public place in each precinct within the Town on or before September 15, 2016, and by causing this Warrant to be published on or before October 6, 2016.

Date: September, 2016

**OCTOBER 24, 2016
FALL TOWN MEETING WARRANT (CONT'D)**

Steven P. Coughlin, Constable of Wareham

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

Date: September , 2016

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, 2016 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 , 2016

Steven P. Coughlin, Constable of Wareham

10/13/2016 9:07 AM