

Minutes for the Annual Town Meeting held May 6, 2013

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Gymnasium to vote on the following articles with actions as noted. The Moderator called the meeting to order at 7:15 p.m. with a quorum of 209 voters present. The Town Clerk read the call of Town Meeting.

Article 1. A motion was made and seconded by the Board of Selectmen to raise and appropriate \$1,700 for the Greenhead Fly Control as authorized by G.L. c.252 §24, and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Passed – Declared majority voice vote by Moderator

Article 2. A motion was made and seconded by the Board of Selectmen to assume liability in the manner provided in Section 29 and 29A of Chapter 91 of the General Laws as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with G.L. c.91, Section II, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts.

Passed – Declared majority voice vote by Moderator

Article 3. A motion was made and seconded by the Board of Selectmen to accept the provisions of G.L. Chapter 71, Section 16B which would reallocate the sum of member towns' funding obligation for the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called for Fiscal Year 2015.

Passed – Declared majority voice vote by Moderator

Article 4. A motion was made and seconded by the Board of Selectmen to transfer \$251,646 to the following accounts voted as Article 12 at the May 2012 Annual Town Meeting:

\$16,000 from Line 35 Dispatch Salaries to Line 29 Police Salaries

\$130,646 from Free Cash in the following amounts, to the following account;

\$19,166 to Line 52 Snow and Sand Expense; and

\$16,000 to Line 62, Council on Aging Salaries; and

\$20,000 to Line 11, Legal Expenses; and

\$27,480 to Deficit Storm Account; and

\$48,000 to Line 32, Fire Salary;

and further transfer \$105,000 from Article 13, Annual Town Meeting May 2012 Line 20 Fire Engine Replacement to Line 32 Fire Salaries; to meet the remaining expenses of Fiscal year 2013.

Passed – Declared majority voice vote by Moderator

Article 5. A motion was made and seconded by the Board of Selectmen to transfer from the Stabilization Fund the sum of \$100,000 to pay unanticipated costs incurred associated with the investigation, reporting and remediation efforts required by DEP relative to the suspected landfill plume contamination of private wells.

Passed – Declared necessary 2/3rds majority voice vote by Moderator

Article 6. A motion was made and seconded by the Board of Selectmen to transfer from Free cash so called the sum of \$5,349 to pay prior year unpaid bill: past due fuel excise taxes for FY12.

Passed – Declared necessary 4/5ths majority voice vote by Moderator

Article 7. A motion was made and seconded by the Board of Selectmen to establish a town-wide water supply and water distributing system pursuant to Chapter 40, Section 39A of the General Laws;

That \$114,800,000 is appropriated to pay costs of establishing such water supply and distribution system, including, without limitation, the costs of taking or purchasing water sources or water or flowage rights, the taking or purchasing of land or easements for the water system or for the protection of the water system or water sources, the construction and development of wells, the construction of water towers, the construction of buildings for water treatment and pumping stations, the laying and relaying of water mains, the purchase and installation of water meters, fire hydrants and other water department equipment, and design and engineering and other costs incidental thereto, and including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws;

That to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$114,800,000 under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore;

Provided, however, that of the appropriation, \$38,800,000 shall be contingent upon the passage of a debt exclusion under Massachusetts General Laws Chapter 59, Section 21C(k);

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 (the "Trust") established pursuant to Chapter 29C of the General Laws, and in connection therewith to enter into one or more loan agreements and/or security agreements with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to any loan or loans obtained through the Trust, and for any federal or state aid available for the project or for the financing thereof; and

That the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project;

That, in accordance with Chapter 40, Section 39A of the General Laws, the Board of Selectmen is hereby authorized to act as water commissioners and to exercise all of the powers of water commissioners pursuant to Chapter 41, Section 69A of the General Laws; and

That the Town hereby accepts the provisions of Chapter 40, Section 42A through 42F of the General Laws to authorize the collection of water rates.

A motion was made and seconded to end debate

Passed – Declared necessary 2/3rds majority voice vote by Moderator

Article failed to pass necessary 2/3rds majority as declared by Moderator

Count 685 Yes 392 No

A motion to amend Article 7 was made by a member of the Finance Committee and seconded that the Town hereby establishes a municipal water supply and water distributing system pursuant to Chapter 40, Section 39A of the General Laws and as shown on a plan entitled Water Distribution System Development, Phase 1A and 1B, Eastham Mass, dated February 2013.

That \$40,800,000 is appropriated to pay costs of establishing such water supply and distribution system, including, without limitation, the costs of taking or purchasing water sources or water or flowage rights, the taking or purchasing of land or easements for the water system or for the protection of the water system or water sources, the construction and development of wells, the construction of water towers, the construction of buildings for water treatment and pumping stations, the laying and relaying of water mains, the purchase and installation of water meters, fire hydrants and other water department equipment, and design and engineering and other costs incidental thereto, and including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws;

That to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$40,000,000 under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore;

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 (the "Trust") established pursuant to Chapter 29C of the General Laws, and in connection therewith to enter into one or more loan agreements and/or security agreements with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to any loan or loans obtained through the Trust, and for any federal or state aid available for the project or for the financing thereof; and

That the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project;

That, in accordance with Chapter 40, Section 39A of the General Laws, the Board of Selectmen is hereby authorized to act as water commissioners and to exercise all of the powers of water commissioners pursuant to Chapter 41, Section 69A of the General Laws; and

That the Town hereby accepts the provisions of Chapter 40, Section 42A through 42F of the General Laws to authorize the collection of water rates.

A motion was made and seconded to indefinitely postpone this article
Motion failed as declared by Moderator
Count 380 Yes 571 No

A motion was made and seconded to end debate
Passed – Declared majority vote by Moderator

Article failed necessary 2/3rds vote as declared by Moderator
Count 621 Yes 339 No

Article 8. A motion was made and seconded by the Board of Selectmen to enter into a contract for the disposal of solid waste for a period not to exceed twenty (20) years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years.

Passed – Declared majority vote by Moderator

Article 9. A motion was made and seconded by the Board of Selectmen to change the purpose for which the land is being held from general municipal purposes, to being held for general municipal purposes and disposal, and shown on assessors Map 04, Parcel 431 consisting of 1.79 acres+/-, and also shown as 230 Higgins Road, with said land to be disposed of in a manner that it is apportioned among as many direct abutters who shall desire such land, with all costs, such as preparation of plans and deeds and filing of same, and such other costs and value of such land as estimated by the Deputy Assessor that shall be necessary to effect this transfer of land, and such other terms and conditions that the Board may deem appropriate and necessary.

Passed – Declared majority vote by Moderator

Article 10. A motion was made and seconded by the Board of Selectmen to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41 of the General Laws as amended, and further to raise and appropriate \$155,527 for the following positions:

Moderator	\$ 150
Town Clerk	\$67,317
Treasurer/Tax Collector	\$80,560
Selectmen (5) \$1,500 each	\$ 7,500
Total	\$155,527

Passed – Declared majority vote by Moderator

Article 11. A motion was made and seconded by the Board of Selectmen to reauthorize the following revolving accounts, through the Town Accountant's office, in accordance with Massachusetts General Laws, Chapter 44 Section 53E ½

Revolving Fund	Authorize to Spend Fund	Revenue Source	Use of Fund	FY14 Limit
Recreation -Bottles & Cans	Recreation Director	Collection & Redemption of B ottles & Cans	Beach & Recreation Programs	\$ 10,000
Home Compost Bin/ Recycling	BOS or designee	Sale of Compost Bins	Purchase additional bins & advertise their availability	\$ 5,000
Vehicular Fuel Sales	BOS or designee	Sale of fuel to other govt entities	Purchase additional fuel for sale to other government entities	\$ 30,000
Council on Aging /Lower Cape Adult Day Center	COA Director	Funds from fees, charges forCOA programs and events	Pay for vendors COA programs and events	\$ 7,000

Passed – Declared majority vote by Moderator

Article 12. A motion was made and seconded by the Board of Selectmen to set the operating budget at \$22,191,512, as printed in the warrant, and to meet this expenditure,

To raise and appropriate and use estimated receipts totaling \$21,277,642,

and transfer from the ambulance receipts reserved account \$569,077;

\$450,000 to Line 30 Fire Salaries and

\$119,077 to Line 32 Fire Capital, and

transfer from the Septic Loan Betterment Account \$20,400 to Line 74; and

transfer from the Windmill Receipts Reserved Account \$2,000 to Line 67 Recreation Expense;

and transfer from the Media Access Account the sum of \$58,393 to Line 11, Data

Processing Salary; and

Transfer from Free Cash \$264,000,

\$214,000 to Line 41 Elementary School Operations; and

\$50,000 to Line 80 Barnstable County Retirement;

and further transfer from Free Cash (dog receipts) an additional \$2,500 to Line 65, Library Expense.

Passed – Declared majority vote by Moderator

Article 13. A motion was made and seconded by the Board of Selectmen to appropriate \$656,500 and to meet this appropriation to raise and appropriate \$60,000; and transfer from Free Cash \$496,500; and transfer from the Ambulance Receipts Reserved Account \$100,000 for the purpose of acquiring the following items and undertaking the following improvements

FY 14 CAPITAL ACQUISITION ARTICLE 13					
ITEM	DEPARTMENT	ITEM			FY14
	DATA PROCESSING				
1		COMPUTER HARDWARE/SPEC SOFTWARE/ABLETS/CAMERAS SERVERS		\$30 000.00	F
2		VOIP PHONE SYSTEM TOWN HALL/COA		\$34 000.00	F
3		FIBER OPTIC BETWEEN TII/POLICE/FIRE		\$7 500.00	F
	SUIJ..TOTAL			\$71,500.00	
	COA/ADULT/DAYCARE				
4		GENERATOR REPLACEMENT		\$35,000.00	F
	SUIJ..TOTAL			\$35 000.00	
	NATURAL RESOURCES/CONSERVATION				
5		50 HP BOAT MOTOR		\$8,000.00	F
6		HERRING RUN GATES		\$5,000.00	F
	SUB-TOTAL			\$13 000.00	
	HARBOR IMP.				
7					
	SUBTOTAL			\$35 000.00	
	MUNICIPAL BUILDINGS IMPROVEMENTS				
8		PROJECT CONTINGENCY: MAJOR REPAIRS, PAINTING ETC.		\$30,000.00	F
9		SERVICE VAN REPLACEMENT		\$24,000.00	F
10	T.H.	REPLACE GENERATOR TOWN HALL/FIRE STATION		\$50,000.00	F
11	COA	PRELIMINARY DESIGN/RENOVATION UPGRADE		\$30,000.00	F
12	FIRE STATION	EXTERIOR/INTERIOR PAINTING		\$80,000.00	A
13	INFO/WMILL	GEN BLDG MAIN & REPAIR		\$6,000.00	F
		WINDMILL/INFO/ANCIENT CEMETERIES /BRACKETT PORTABLE			
	SUIJ..TOTAL			\$220 000.00	
	SCHOOL				
14		ROUTINE PAINTING/ROTATION		\$5 000.00	F
15		GROUNDS MAINTENANCE- DRAINAGE/FENCING		\$5,000.00	F
16		COMPUTER HARDWARE/SOFTWARE		\$20,000.00	F
	SUIJ..TOTAL			\$30 000.00	
	BEACHES/RECREATION				
17		4X2TRUCK		\$25,000.00	F
	SUIJ..TOTAL			\$25 000.00	
	DPW				
18		10 WHEELER DUMP TRUCK (FIVE YR LEASE)		\$40,000.00	F
19		ORDINARY ROAD M & R (NOT CHAP 90)/STORM DRAIN UPGRADES		\$60,000.00	T
20		CATCH BASIN CLEANER REFURB		\$20,000.00	F
21		SANDER		\$18 000.00	F
22		ROLL OFFS (2) OPEN/CLOSED TOP		\$14 000.00	F
	SUIJ..TOTAL			\$152 000.00	
	POLICE				
23		IN CAR COMPUTER MONITOR REPLACEMENTS		\$5,000.00	F
	SUIJ..TOTAL			\$5 000.00	

	FIRE (EQUIP)				
		RES. CUE/MEDICAL EQUIP UPGRADE/REPLACEMENT			
24		FOAM I HOSE REPLACEMENTS		\$13,011.00	A
25		SPECIALTY GEAR, TURNOUT SUITS, SURVIVAL SUITS		\$7 000.110	A
	SUB-TOTAL			\$20 000.00	
	SPECIAL PROJECTS				
26		WASTEWATER PLANNING ALTERNATIVES INVESTIGATION		\$511,000.011	F
	TOTAL			\$656,500.00	
TOTAL CAPITAL FUNDS NEEDED BY SOURCE (KEY)					
	F =FREE CASH			\$496,500.00	
	A= AMBULANCE RECEIPTS			\$100,000.00	
	T=TAX/LEVY			\$60,001.00	
	DEBT EXCLUSION			\$0.00	
	TOTAL			\$656 500.00	

Passed – Declared majority voice vote by Moderator

Article 14. A motion was made and seconded by the Board of Selectmen in accordance with the requirements of the Town of Eastham Home Rule Charter Section 6-6A to accept the Capital Improvement Plan for FY 2015-FY2019, as printed in the warrant.

Passed – Declared majority vote by Moderator

Article 15. A motion was made and seconded by the Board of Selectmen to transfer from Free Cash so called, the sum of \$101,533, to pay the Town of Eastham's share of capital expenses for Nauset Regional School District for improvements and equipment to install technology infrastructure and computers; to implement a variety of security measures that were reviewed by local police chiefs; to make repairs as needed in the plumbing, mechanical, electrical and other systems; to purchase a new backstop for the softball field at the Middle School; to make minor repairs at the Central Office building; and to conduct a detailed study of the condition and the efficiency of the HVAC systems at both schools.

Passed – Declared majority vote by Moderator

Article 16. A motion was made and seconded by the Board of Selectmen to transfer from Free Cash, \$11,000 to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information booth.

Passed – Declared majority vote by Moderator

Article 17. A motion was made and seconded by the Board of Selectmen to petition the General Court for special legislation to impose a Room Occupancy Tax as detailed in G.L. c64G, Section 3A to single cottages, condominiums and single and multifamily dwellings when such units are rented for less than 90 days, and further to accept from the General Court editorial or clerical changes and further that such law shall not take effect before January 1, 2014, regardless of the action date of the legislature.

A motion was made and seconded to amend Article 17 to 30 days or less.
Motion failed as declared by Moderator

Article failed to pass majority voice vote as declared by Moderator

Article 18. A motion was made and seconded by the Board of Selectmen to transfer from the FY2014 estimated Community Preservation Revenues \$727,982 as follows:

Open Space Reserve	\$ 72,798
Historical Reserve	\$ 72,798
Affordable Housing	\$ 72,798
Budgeted Reserve For Appropriation	\$509,588

Passed – Declared majority vote by Moderator

Article 19. A motion was made and seconded by the Board of Selectmen to transfer from the Community Preservation Fund Balance \$30,000 to the Community Preservation Administrative Expense Account for the purpose of administrative expenses.

Passed – Declared majority vote by Moderator

Article 20. A motion was made and seconded by the Board of Selectmen to transfer from the Community Preservation Open Space Reserve Fund Balance to the Eastham Water Management Committee, \$220,000 for alum treatment to be expended for the purpose of protection of an open space resource by funding the necessary permits and hiring consultants for remediation, by alum treatment, of unhealthy phosphorus levels in Great Pond with said funds to spent under the direction of the Health Agent.

A motion was made and seconded to indefinitely postpone Article 20
Motion failed majority voice vote as declared by the Moderator

Article passed – declared majority voice vote by Moderator

Article 21. A motion was made and seconded by the Board of Selectmen to transfer from the Community Preservation Historic Reserve Fund Balance to the Eastham Town Clerk, \$18,424 for climate control equipment as needed to properly preserve and store vital records including but not limited to historical documents of both the Town Clerk and the Town Treasurer/Tax Collector.

Passed – declared majority vote by Moderator

Article 22. A motion was made and seconded by the Board of Selectmen to transfer from the Community Preservation Open Space Reserve Fund Balance to the PACE Committee, the sum of \$25,000 for enhancing handicapped accessibility at Bee's River under the direction of the Beach and Recreation Administrator for the purpose of providing additional Handicapped Access via the use of Mobi-Mat or similar material in the area of Bee's River (aka Hatch's Beach).

Passed – declared majority vote by Moderator

Article 23. A motion was made and seconded by the Board of Selectmen to transfer from the Community Preservation Housing Reserve \$133,268 and \$526,682 from the Community Preservation Fund Balance to the Eastham Affordable Housing Trust for a total of \$659,950 to acquire property for conversion to deed restricted affordable rental unit.

Passed – declared majority vote by Moderator

Article 24. A motion was made and seconded by the Board of Selectmen to change the purpose for which land is held as follows,

Parcel A- 4300 State Highway, Assessors Map 8, Parcel 147 and 147A, (a/k/a Purcell Property) from being held for general municipal purposes including affordable housing to being held for general municipal purposes, affordable housing and up to seven (7) acres, for conveyance;

Parcel B - land located off located off Ballwic Road, (formerly known as Forest Ave) Assessors Map 12, Parcel 2IIB, from being held for school purposes to being held for general municipal purposes, affordable housing and up to nine (9) acres for conveyance; and further,

to transfer from the Community Preservation Fund Balance the sum of \$300,000 to The Affordable Housing Trust Reserves to fund pre development activities for these two parcels of town owned land for the purpose of hiring as necessary outside consultants to complete pre-development activities on said parcels, including, but not limited to, permitting, soil testing, architectural and engineering services, and further,

to authorize the Board of Selectmen to convey the portions of said parcels to the Affordable Housing Trust for construction of up to seven (7) acres of land to be developed into no more than twenty-one (21) bedrooms of low and moderate-income housing on Parcel A, and up to nine (9) acres of land to be developed into no more than eighteen (18) bedrooms of low and moderate-income housing on Parcel B, and under such additional terms and conditions as the Board of Selectmen may determine.

Article failed 2/3rds majority voice vote as declared by Moderator

Article 25. A motion was made and seconded by the Board of Selectmen to transfer \$20,000 from the Community Preservation Open Space Reserve Fund Balance to the Open Space Committee, for construction of pathways, benches and other amenities, on land located off Sandy Meadow Way to serve passive recreation users of the parcel.

Passed – declared majority vote by Moderator

Article 26. A motion was made and seconded by the Board of Selectmen to authorize the Board of Selectmen to accept those easement rights granted to the Town in Ellis Road, shown in Plan Book 15, Page 113, for all purposes for which streets and ways are commonly used in the Town of Eastham, including without limitation maintenance in said road and associated drainage structures.

Passed – declared majority vote by Moderator

Article 27. A motion was made and seconded by the Board of Selectmen to amend the Town of Eastham Animal Control Bylaw, Section 17-13A , (I) to remove the words “(1) First Offense: written warning” and to replace them with the words “(1) First offense: \$50” so that it reads as follows:

17-13A “Any person who violates any provision of this by law shall be subject to the following penalties, in addition to any other available penalty or remedy at law or in equity: “

1. First offense: \$50
2. Second and Subsequent offenses: \$100”

Passed – declared majority vote by Moderator

Article 28. A motion was made and seconded by the Board of Selectmen to amend the Town of Eastham Bylaws, Section 114 adding a new section to read as follows:

It shall be required that all properties and especially corner lots maintain vegetation and man-made structures or barriers which encroach onto public property so that safe sight lines are maintained on public pedestrian and vehicular ways.

Passed – declared majority vote by Moderator

Article 29. A motion was made and seconded by the Board of Selectmen to transfer from Free Cash, \$10,000 to be given to the Visitors Services Board for landscaping, lighting, and holiday decorations on Windmill Green \$1,000, Christmas Lights/banners \$2,500, Flower Island support \$500, and Summer concerts, \$6,000.

Passed – declared majority vote by Moderator

Article 30. A motion was made and seconded by the Board of Selectmen to amend the Town of Eastham zoning bylaw *Section III - Definitions* by deleting the existing definition, which states:

“OUTSIDE DISPLAY -- Goods displayed in conjunction with business or retail trade, by permit from the Special Permit Granting Authority.”

and replace it with the following:

“Placement or maintenance of goods or other items, including display racks and similar accessories, exterior to a building housing a commercial use on the same site, for the purpose of advertising or displaying the sale of goods or services within the building.”

further, to see if the Town will vote to amend *Section XIII – Site Plan Approval- Special Permit, paragraph B.I, of the Town of Eastham Zoning By-laws*, by adding the following new sub-paragraph E:

“E. Outside Displays

1. Outside display of devices, goods or other objects for sale, rent or for the promotion of the business outside, if kept in place after daily business hours, shall require a Special Permit from the Planning Board, subject to conditions.

2. No Special Permit is required for Outside Display limited to the hours of operation of the commercial use to which such Display relates, provided that said Display:

- a. Shall be set back a minimum of five (5) feet from all property lines and shall not exceed six (6) feet in height; except for motor vehicles and boats, which may be up to ten (10) feet in height.
- b. Shall not obstruct safe entry, egress and sight lines within or external to the site or access by public safety or emergency vehicles to the property or the building, as determined and enforced by the Police Chief and Fire Chief;
- c. Shall not obstruct the safe or convenient flow of vehicular or pedestrian traffic within or external to the site or abutting properties or other businesses within the same property; and,
- d. Shall not reduce the effective use of the required number of parking spaces or be detrimental to the required landscaping according to the Zoning By-laws.”

Passed 2/3rds majority voice vote as declared by Moderator

Article 31. A motion was made and seconded by the Board of Selectmen to amend the Town of Eastham zoning bylaw *Section XIII – Site Plan Approval – Special Permit, of the Town of Eastham Zoning By-laws*, to add the following subparagraph 3. to paragraph F. Required Site Plan Contents:

3. Upon written request by the Applicant, the Planning Board may waive strict compliance with the requirements of this Section F. 1. and 2. where it determines that not all requirements are necessary for proper review of the application and that the Site Plan Criteria of Section G., below, are adequately met. The written request shall specify the item(s) for which waivers are being sought.

Passed 2/3rds majority voice vote as declared by Moderator

Article 32. A motion was made and seconded by the Board of Selectmen to amend the Town of Eastham zoning by law *Section XIV- Site Plan Approval- Residential, of the Town of Eastham Zoning By-laws*, to replace paragraph “D. Procedures”, with the following paragraph:

“D. WAIVERS:

The intent of site plan approval is to insure that any development, which may have significant impacts upon the abutting land, is reviewed for the purpose of assuring compliance with the Zoning By-law as well as to minimize negative effects on abutters and the community at large. When in the opinion of the Planning Board, the alteration or reconstruction of a structure does not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a site plan for Residential Site Plan Approval is not required. Upon application on a form approved by the Planning Board and the application fee effective at the time of the application, such a determination may be made by an affirmative vote of a majority of the Planning Board present, and in no event less than four members, and all abutters must be notified by certified mail, return receipt requested, at least seven days prior to the meeting at which such vote is to be taken. The involved structure shall be as shown on a site plan previously approved under this section or on a plan showing, at a minimum, the following information

Property Owner(s);

Map and parcel numbers;

The location and boundaries of the lot;

Existing and Proposed Structures in plain view, including dimensions; and,

Building setback lines.

Such plan, with all proposed changes shown thereon, shall be included with the application for waiver. Notice of final action shall be sent to the Inspector of Buildings, Town Clerk and to the applicant.”

Further, subsequent paragraphs shall be assigned new letters accordingly, as follows, without any change to existing content:

- “E.” PROCEDURES
- “F.” STANDARDS AND CRITERIA
- “G.” FINAL ACTION
- “H.” APPEAL
- “I.” ENFORCEMENT

Passed – Declared 2/3rds majority voice vote by Moderator

Article 33. A motion was made and seconded by the Board of Selectmen to amend the Town of Eastham zoning bylaw to delete in its entirety, *SECTION VII – Accessory Uses, of the Town of Eastham Zoning By-laws, paragraph C.*, and replace it with the following:

“C. Accessory Dwelling Units:

For the purpose of promoting the development of affordable rental housing in Eastham for year-round residents, one accessory dwelling unit per lot may be allowed by Special Permit from the Planning Board subject to the standards and conditions listed below:

1. Accessory dwelling units shall not be allowed on lots with less than 20,000 square feet of contiguous upland. For lots containing 20,000 to 30,000 square feet there shall be no more than three bedrooms combined for both units. For lots containing more than 30,000 square feet, there shall be no more than one (1) bedroom per 10,000 sf.
2. The owner of the property must occupy as a primary residence either the principal or the accessory dwelling. For the purpose of this section, the "owner" shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence confirmed by listing on the annual town census.
3. Accessory units created under this by-law shall be either deed restricted to allow only tenants whose verified income is less than or equal to 80% of Median Family Income (MFI) or non-deed restricted to allow only tenants whose verified income is less than or equal to 120% of Median Family Income, to remain affordable, as defined by the guidelines in number 9, below.
4. Accessory units shall not be larger than 1200 square feet or fifty (50) percent of the site coverage of the principal dwelling, whichever is smaller.
5. No more than twelve (12) additional accessory dwelling units may be approved within the town's boundaries in any calendar year. Completed applications shall be reviewed in the order in which they are received.
6. Site Requirements:
 - a. Accessory dwelling units may be within, attached to a principal dwelling, garage, or be located in detached unit.
 - b. Accessory dwelling units shall be designed to be compatible with existing site and neighborhood conditions.
 - c. Septic systems are required to meet the then current Title 5 standards, the Eastham Board of Health regulations and/or shall receive all necessary approvals from the Board of Health.
7. No accessory unit shall be separated by ownership from the principal dwelling.
8. An application for official registration of the affordable accessory dwelling unit shall be made in writing by the property owner to the Building Inspector and renewed annually thereafter, including all necessary documentation to confirm eligibility.

9. All occupant(s) of the rental dwelling unit shall upon initial application by the property owner and annually thereafter, submit necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate-income family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Barnstable County Median Family Income (MFI), and moderate income families shall have an income between eighty (80) and one-hundred-twenty (120) percent of the Barnstable County Median Family Income (MFI), as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.

10. Maximum rents shall be established in accordance with HUD Published Fair Market Rental Guidelines. Property owners are required as part of the Special Permit application to submit information on the rents to be charged. Each year thereafter, they shall submit information on annual rents charged. Forms for this purpose shall be provided by the town. Rents may be adjusted annually in accordance with amendments to the Fair Market Rental Guidelines.

11. No deed-restricted accessory apartment shall be occupied until a recorded copy of said deed restriction is provided to the Building Inspector.”

Motion passed necessary 2/3rds vote declared by Moderator
Count 203 Yes 69 No

Article 34. A motion was made and seconded by the Board of Selectmen to approve and accept the Eastham Local Comprehensive Plan Third Addition 2012, including technical amendments to the previously certified plan as directed by the Cape Cod Commission, and forward said revised plan for Final Certification by the Cape Cod Commission.

Passed – Declared majority vote by Moderator

Article 35. A motion was made and seconded by the Board of Selectmen to indefinitely postpone Article 35.

Passed – Declared majority vote by Moderator

Article 36. A motion was made and seconded by the Board of Selectmen to indefinitely postpone Article 36.

Passed – Declared majority vote by Moderator

Resolution. A motion was made and seconded by the Board of Selectmen to endorse the following Nonbinding Public Opinion Advisory Question:

Whereas, Massachusetts emergency management Agency (MEMA) Director Kurt Schwartz has acknowledged that Cape residents and visitors are “in harms way” in the event of a radiological accident at the Pilgrim Nuclear Power Station in Plymouth:

Whereas, MEMA has determined that Cape residents and visitors will not be evacuated but plans to relocate Cape citizens after exposure to dangerous radioactive materials released in an accident;

Whereas, citizens of the town of Eastham find this State response to Pilgrims threat to our health and safety unacceptable and in violation of the public trust;

Therefore, be it resolved that we the people of Eastham respectfully request Governor Deval Patrick to call upon the Nuclear Regulatory Commission to uphold their mandate to shut Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly Cape and islands residents and visitors, cannot be assured.

Town Meeting endorsed resolution as declared by Moderator

Article 37. A motion was made and seconded by the Board of Selectmen to accept all published reports of the town officers.

Passed – Declared majority vote by Moderator

There were 1119 voters present at the close of Town Meeting out of a possible 4170. There being no further action of Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 11:05 p.m. The Moderator declared Town Meeting dissolved after a unanimous vote by voters.

A True Copy Attest:

Lillian Lamperti

