

**ANNUAL TOWN MEETING  
WARRANT**

**DRAFT, 2014-03-21**

**TOWN OF WELLFLEET**



**MONDAY, APRIL 28, 2014**

Wellfleet Elementary School  
7:00PM

**REMINDER:**

**Vote at Town Election Monday  
May 5, 2014, 12:00 noon - 7:00 p.m.  
Location – Senior Center**

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## **PROPOSITION 2½ TERMS**

Chapter 59, section 21C of the Massachusetts General Laws is commonly referred to as Proposition 2½ (Prop. 2½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

**LEVY:** The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

**LEVY CEILING:** This is the maximum the levy can be. The ceiling equals 2.5% of the Town's full and fair cash value.

**LEVY LIMIT:** The maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases, such as debt exclusions.

**LEVY LIMIT INCREASE:** The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

**NEW GROWTH:** New construction and new parcel subdivision may also increase the Town's levy limit.

**OVERRIDE:** A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

**DEBT EXCLUSION:** This type of override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question, the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

**CAPITAL OUTLAY EXPENDITURES EXCLUSION:** This type of override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question, the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

**CONTINGENT VOTES:** Chapter 59, section 21C (m) permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE/DEBT EXCLUSION). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Board of Selectmen. If a referendum is called by the Selectmen, it must take place within forty-five days of the Town Meeting vote.

## TOWN MEETING PROCEDURES

A quorum of 6% of the Town's registered voters must be present in order to conduct business. (Charter: Sect. 2-1-3)

Voters are identified by voter cards, issued when they check in with the registrars at the beginning of the meeting.

Only voters may participate in voice votes. In case of a counted vote, voters will be identified by their voter cards.

Non-voters who have been admitted to the meeting must sit in the section designated for them. Non-voters who may wish to speak must identify themselves, and may address the meeting only by permission of the Moderator. (Charter: Sect. 2-1-2).

No voter will be allowed to speak until recognized by the Moderator.

Voters may only speak twice to any motion or amendment unless authorized by the Moderator. The provisions of this clause shall not apply to a) the person making the motion under an Article, and b) those persons required to be in attendance under the provisions of Charter Section 2-7-5. (Charter: Sect. 2-7-8).

All motions, including all amendments, must be in writing and be legible. Exceptions for very simple motions or amendments are at the discretion of the Moderator. (General Bylaws: Sect. II-2)

The order of consideration of the Articles as printed in the Warrant may be changed only by a two-thirds vote. (Charter: Sect. 2-7-4)

Some other common motions which require more than a simple majority to pass:

Zoning Bylaws	2/3 majority
To incur debt	2/3 majority
To transfer or sell Town land	2/3 majority
To approve charter amendments	2/3 majority
To pay unpaid bills of a prior fiscal year	4/5 majority at an Annual Town Meeting 9/10 majority at a Special Town Meeting

A motion to reconsider must be made at the same session as the vote it seeks to reconsider. It can only be made after some intervening business, and must be made within one hour of the vote to be reconsidered. It is debatable to the same extent as the motion it seeks to reconsider, and it requires a majority vote. (Charter: Sect. 2-7-9)

See also the Moderator's notes for Town Meeting:

[www.wellfleet-ma.gov/Public\\_Documents/WellfleetMA\\_EOff/moderators](http://www.wellfleet-ma.gov/Public_Documents/WellfleetMA_EOff/moderators)

## **A Statement to the Voters from the Wellfleet Finance Committee**

Throughout every year, the Finance Committee focuses on what happens to your tax dollars. Once again we invite you to join us in a careful scrutiny of the budget pages for Fiscal Year 2015 and the Financial Articles included in this Annual Town Meeting Warrant. Our goal is to maintain excellent services and fiscal stability through a balanced Budget and to stay within a 2½ % increase in operating costs. Standard and Poor has revised the Town of Wellfleet's credit rating upward from "AA" to "AAA." A triple A credit rating is Standard and Poor's highest credit rating. This upgrade in rating will enable the Town to borrow on more favorable terms should the need arise. This upgraded rating is the result of the prudent fiscal management policies the Town has and continues to pursue.

As your Finance Committee, we are asked to review and vote on every financial Article of the Warrant in advance of Town Meeting. When we feel an issue requires input from us on Town Meeting floor we attempt to provide it. Voters are encouraged to question any decision of this Committee they feel needs explanation.

As always we pay careful attention to the Town's Capital Budget Plan and are making good progress towards the goal of a 10-year fiscal plan pertaining to Wellfleet's infrastructure.

We continue our commitment to improve fiscal communication between the Finance Committee, the Board of Selectmen and the Department Heads. Once again the Department Heads did a fine job of keeping their budgets reasonable in light of our fiscal restraints.

Please consider carefully Finance Committee recommendations for the money-related Articles and Fiscal Year 2015 budget when you vote on them at this Town Meeting.

Respectfully submitted,

The Wellfleet Finance Committee

**NOTIFICATION FOR CHARTER AMENDMENT**

Dear Voters:

[To be furnished by town counsel per MGL c. 43B, sec 11]

## **ANNUAL TOWN MEETING WARRANT**

Monday, April 28, 2014

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet in the **WELLFLEET ELEMENTARY SCHOOL, 100 LAWRENCE ROAD in Wellfleet on the 28th day of April, 2014, at seven o'clock in the evening**, then and there to vote upon the following Articles:

ALSO

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET SENIOR CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on the 5<sup>th</sup> day of May, 2014, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote for the election of the following Town officers: one Moderator for one year; one Selectmen for three years; one member of the Wellfleet Elementary School Committee for three years; one member of the Nauset Regional School Committee for three years; two Wellfleet Library Trustees for three years; one Wellfleet Library Trustee for one year; one Cemetery Commissioner for three years; one position on the Wellfleet Housing Authority for five years. Also, to vote on the following questions:

**Question A.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay costs of repaving/restriping Town parking lots at the South Wellfleet General Store and the former WHAT building, and for the payment of all other costs incidental and related thereto?

**Question B.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay costs of enlarging the concrete pad at the Transfer Station and for the payment of all other costs incidental and related thereto?

**Question C.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued by the Town for the purpose of paying costs of the partial roof replacement of the Wellfleet Elementary School, located at 100 Lawrence Road, Wellfleet, Massachusetts, including the payment of all costs incidental and related thereto?

**Question D.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Nauset Regional School District for the purpose of paying costs of the partial roof

replacement of the Nauset Regional Middle School located at 70 Route 28 Orleans MA 02653, including the payment of all costs incidental or related thereto?

**Question E.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay costs of preparing a study to expand parking at Whitecrest Beach and construct a parking area at Lawrence Road, and to study ways to improve access from Cahoon Hollow and Whitecrest parking areas to the beach, and for the payment of all other costs incidental and related thereto?

**Question F.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued in order to pay costs of preparing a study, plans and designs, permitting and preparation of construction, and other related documents as required by the State of Massachusetts in preparation for Route 6 and Main Street intersection improvements, and for the payment of all other costs incidental and related thereto?

**Question F-1.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued in order to pay for the repairing, replacing and improving the HVAC system in Town Hall and replacing the boiler in the Police Station, and for the payment of all other costs incidental and related thereto?

**Question F-2.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued in order to pay costs of purchasing the following equipment for use by the Department of Public Works: one ton dump truck; sidewalk plow; refuse trailer; recycling compactors; excavator and replacement transfer station truck scales, and for the payment of all other costs incidental and related thereto?

**Question F-3.** Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2, so-called, the amounts required to pay for the bonds or notes issued in order to pay costs repairing, replacing and improving the drainage at Baker Field and reconstructing the four existing tennis courts, and for the payment of all other costs incidental and related thereto?

**Question G.** Shall the Town of Wellfleet approve the Charter Amendment proposed by the 2013 Annual Town Meeting as summarized below?

The vote of Article 7 of the 2013 Town Meeting approved three amendments to the Town Charter that would authorize the Board of Selectmen to appoint a Town Clerk, Town Treasurer and Town Collector. The first amendment is to Section 4-2 which deletes Town Clerk-Town Treasurer and Town Collector as elected officers in subsection 4-2-1. A related amendment to Section 3-6-1 makes the Board of Selectmen the appointing authority for the Town Clerk, Town Treasurer and Town Collector positions. The third amendment inserts Chapter 9, Section 9-1 and Subsection 9-1-1, which makes the elected incumbents the first appointees to the newly created appointed positions until the end of their elected term and until such time as the Board of Selectmen appoints a person to fill any vacancy in said



offices. These transitional provisions take effect upon approval by the voters at the 2014 Annual Town Election.

**Question H.** Shall the Town of Wellfleet approve the Charter Amendment proposed by the 2013 Annual Town Meeting as summarized below?

The vote of Article 8 of the 2013 Town Meeting approved an amendment to the Wellfleet Home Rule Charter, section 7-1-4 which would authorize the Board of Selectmen to permit Finance Committee members to serve on other committees such as building committees, search committees, etc.

## **BUDGET ARTICLES (Articles A - F)**

**ARTICLE A:** To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2015 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2015, or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** This Article requests approval of the Fiscal Year 2015 Operating Budget (See Appendix A.) This Article also sets the salaries of elected officials as per the budget.

**ARTICLE B:** To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums or money necessary to supplement the operating and/or capital budgets of the various Town departments for the current Fiscal Year 2014, or do or act anything thereon.

### **Requests to Date:**

**Board of Selectmen reserves recommendation to Town Meeting  
Finance Committee**

**SUMMARY:** This Article requests transfers and additional funding for Fiscal Year 2014 operations. Additional requests may be added at Town Meeting.

**ARTICLE C:** To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2015 Town Capital Budget, or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** This Article requests approval of the Fiscal Year 2015 Capital Budget. (See Appendix B)

**ARTICLE D:** To see if the Town will vote to raise and appropriate and/or transfer from available funds, and/or authorize the transfer from various line items within current appropriations including **\$10,000** from the Beach Fund and **\$5,000** from the Waterways Fund, such sums of money necessary to fund the Fiscal Year 2015 Marina Services Enterprise Fund Budget, or do or act anything thereon.

**Board of Selectmen recommend 4-0  
Finance Committee recommends 6-0  
Marina Advisory Committee**

**SUMMARY:** This Article requests approval of the Fiscal Year 2015 Marina Services Enterprise Fund Budget. (See Appendix C)

**ARTICLE E:** To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2015 Water Enterprise Fund Budget, or do or act anything thereon.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0-1**  
**Board of Water Commissioners recommends 4-0**

**SUMMARY:** This Article requests approval of the FY2015 Water Enterprise Fund Budget. (See Appendix D)

### **CHARTER ARTICLES (SECTION A, ARTICLE AA)**

**ARTICLE AA:** To see if the Town will vote pursuant to G. L. c. 43B, §10 to amend the Wellfleet Home Rule Charter, section 8-3-1 to allow the appointment of an alternate member to the Board of Assessors. As amended, section 8-3-1 would read (proposed language appears in **bold** type):

A Board of Assessors of three members **and one alternate** shall be appointed by the Board of Selectmen for three-year overlapping terms. Two members **and one alternate** shall serve part-time; the third shall devote full working time to the duties of the office, and shall be professionally qualified for the duties of the office, as required by General Law.

or do or act anything thereon.

**Board of Selectmen recommend 4-0**  
**Bylaw Committee**

**SUMMARY:** This Charter Amendment requested by the Board of Assessors would allow the appointment of an alternate member to the Board of Assessors.

**FINANCIAL ARTICLES (Section B, Articles BA - BAB)**

**ARTICLE BA:** To see if the Town will vote to accept the provisions of G. L. c. 59, §5N added by c.108, §8A of the Acts of 2012, Veteran Work-off Abatement Program, providing for reduction in tax obligations of veterans in exchange for volunteer services to the Town; or act on anything relative thereto. (Majority vote)

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**  
**Board of Assessors recommends 3-0**

**SUMMARY:** Under the Veteran Work-off Abatement Program, veterans may earn property tax reductions by working for the Town of Wellfleet. The statute is almost identical to G. L. c. 59, §5K which establishes a “senior” tax work-off abatement program to allow persons over the age of 60 to volunteer to provide services to the community in exchange for a reduction annually in his/her tax bill. The Town will set its own program and eligibility requirements, but the taxpayer’s hourly earnings may not exceed the state minimum wage and the earned abatement may not exceed \$1,000 or 125 hours of service (Requested by Board of Assessors,)

**ARTICLE BB:** To see if the Town will vote to establish a stabilization fund pursuant to the authority in G. L. c. 40, §5B, said fund to be known as the “Marina Enterprise Stabilization Fund,” for future harbor dredging and other capital improvements to the Wellfleet Marina, and further to transfer from the Marina Enterprise Fund to said Fund the sum of **\$10,000**, or do or act anything thereon. (Two-thirds vote)

**Board of Selectmen recommends 5-0**  
**Finance Committee recommends 6-0**  
**Marina Advisory Committee**

**SUMMARY:** This statute authorizes the creation of a fund to provide for future capital improvements to the Wellfleet Marina. The proposed initial funding is the major portion of parking fees collected during OysterFest 2013.

**ARTICLE BD:** To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first and second years of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Permanent Firefighters beginning July 1, 2013 or do or act anything thereon.

**Board of Selectmen recommends 4-0**  
**Finance Committee**

**SUMMARY:** Town Meeting approval is required to fund the 1<sup>st</sup> year of a collective bargaining agreement.

**ARTICLE BE:** To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union, beginning July 1, 2013 or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** Town Meeting approval is required to fund the 1<sup>st</sup> year of a collective bargaining agreement. This is a one year contract from July 1, 2013 to June 30, 2014.

**ARTICLE BE1/2:** To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union, beginning July 1, 2014 or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** Town Meeting approval is required to fund the 1<sup>st</sup> year of a collective bargaining agreement. This is a three year contract from July 1, 2014 to June 30, 2017.

**ARTICLE BF:** To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first and second years of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Communications Union, beginning July 1, 2011 or do or act anything thereon.

**Board of Selectmen recommends 4-0  
Finance Committee**

**SUMMARY:** Town Meeting approval is required to fund the 1<sup>st</sup> year of a collective bargaining agreement. This contract was for two years, from July 1, 2011 through June 30, 2013.

**ARTICLE BG:** To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first and second years of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Communications Union, beginning July 1, 2013 or do or act anything thereon.

**Board of Selectmen recommends 4-0  
Finance Committee**

**SUMMARY:** Town Meeting approval is required to fund the 1<sup>st</sup> year of a collective bargaining agreement.

**ARTICLE BAC:** To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first and second years of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Teamsters Union, beginning July 1, 2013 or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** Town Meeting approval is required to fund the 1<sup>st</sup> year of a collective bargaining agreement.

**ARTICLE BH:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money in anticipation of reimbursement to be received pursuant to G. L. c. 90 as amended; said funds to be expended to repair and resurface Town roads and to carry out other authorized projects under the direction of the Department of Public Works, or do or act anything thereon.

**Board of Selectmen recommends 4-0  
Finance Committee recommends 6-0**

**SUMMARY:** This Article will allow the Town to contract for paving services in anticipation of receiving State reimbursement.

**ARTICLE BI:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$200,000**, or any other sum, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund, or do or act anything thereon.

**Board of Selectmen recommends 5-0  
Finance Committee**

**SUMMARY:** This amount will help to fund the Town's share of health insurance for future retirees. This obligation is currently an unfunded liability.

**ARTICLE BJ:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$50,000**, or any other sum, for the purpose of contributing to the Stabilization Fund, or do or act anything thereon.

**Board of Selectmen recommends 5-0  
Finance Committee recommends 6-0**

**SUMMARY:** With a two-thirds vote, the Town may appropriate into this fund in any year an amount not to exceed 10 percent of the prior year's tax levy. These funds are like a rainy day fund to stabilize tax rates from year to year due to unexpected financial requirements. Current financial policy requires maintaining a reserve of approximately \$675,000 in this fund. Fund balance as of January 31, 2014 was \$556,078..

**ARTICLE BK:** To see if the Town will vote, pursuant to G. L. c. 44B, to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of **\$26,750** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2014; and further to appropriate from Community Preservation Fund estimated revenues a sum of **\$67, 173** for open space debt service; a sum of **\$53,500** to reserve for community housing; and further to reserve for future appropriation a sum of **\$53,500** for historic resources, as well as a sum of **\$200,923** to be placed in the 2015 Budgeted Reserve for general Community Preservation Act purposes, or do or act anything thereon.

**Board of Selectmen recommends 4-0**

**Finance Committee recommends 6-0**

**Community Preservation Committee recommends 8-0**

**Open Space Committee recommends 5-0**

**Housing Authority recommends 5-0**

**Historical Commission recommends 6-0**

**SUMMARY:** This is an annual CPC housekeeping Article. The \$25,000 is 5% of estimated revenues for administrative expenses, as provided by the Community Preservation Act. Open Space's 10% (+) is allocated as the funding source for Land Bank debt service in the capital budget, community housing's 10%, and historic resources' 10% are reserved respectively for housing and historic preservation purposes. The remainder of the estimated revenues is placed in Budgeted Reserves for other appropriations.

**ARTICLE BL:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$156,000** to contribute to the cost of, and thereby support, for the Housing Rental Assistance Program.

**Board of Selectmen recommends 3-0**

**Finance Committee recommends 6-0**

**Community Preservation Committee recommends 8-0**

**Housing Authority recommends 5-0**

**SUMMARY:** Using existing housing in Wellfleet, the program will continue to serve the community need for affordable rentals. The program provides subsidies to landlords to bring rental rates down to affordable levels for income qualified applicants. Applicants are expected to pay 30% of their income toward the rent, and the subsidy makes up the difference.

**ARTICLE BM:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$180,000** to contribute to the cost of, and thereby support, for planning and construction of Affordable Accessory Dwelling Units.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 8-0**  
**Housing Authority recommends 5-0**

**SUMMARY:** The project called “Meeting the Need: Building Affordable Year Round Rentals in Wellfleet” is sponsored by the Wellfleet Housing Authority and the Wellfleet Local Housing Partnership. They plan to design and build three Affordable Accessory Dwelling Units (AADUs) at 2082 State Highway/Route 6 to rent on a year-round affordable basis. The units will be owned by the Housing Authority and administered by a third party.

**ARTICLE BN:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$37,959** to contribute to the cost of, and thereby support, the preservation of town records through a storage management system.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 8-0**  
**Historic Commission recommends 6-0**

**SUMMARY:** The Town Clerk has proposed adopting a supervised Town records management system that would be time saving, efficient and offer increased storage capacity. Future funding for operation of the system, once it is in place, would be budgeted at Town Meetings.

**ARTICLE BO:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$30,000** to contribute to the cost of, and thereby support, for the creation of an archival system for the Wellfleet Historical Society and Museum.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 8-0**  
**Historical Commission recommends 6-0**

**SUMMARY:** This will create an electronic and searchable catalog of the complete collection of historical objects, artwork, photographs, documents, maps, letters, diaries, ship logs and various other ephemera owned by the Wellfleet Historical Society and Museum. The current system of tags does not provide an adequate inventory of museum holdings.

**ARTICLE BP:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$50,000** to contribute to the cost of, and thereby support, for the historic restoration of Duck Creek Cemetery.



**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 8-0**  
**Historical Commission recommends 5-1**

**SUMMARY:** This is Phase One of a multi-part cemetery restoration plan presented by the Wellfleet Cemetery Commissioners. Many stones and monuments in our cemeteries are in desperate need of restoration and repair. Future generations should be able to experience Wellfleet's history through the final resting places of town families over the past few centuries.

**ARTICLE BQ:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$40,000** to contribute to the cost of, and thereby support, for the historic restoration of the Weidlinger House, a modern house on Higgins Pond.

**Board of Selectmen recommends 3-0-1**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 8-0**  
**Historical Commission recommends 6-0**

**SUMMARY:** The Weidlinger House, derelict for the past 15 years, is in urgent need of restoration. The Cape Cod Modern House Trust has raised most of the money on their own but had unforeseen expenses in the long process of securing a lease agreement with the National Park Service. The Weidlinger House, along with the successfully restored Kuegel-Gips House and the Hatch Cottage, is listed on the National Registry of Historic Places. All three restored modern house will offer residencies to artists/scholars in the shoulder seasons.

**ARTICLE BR:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$54,162** to contribute to the cost of, and thereby support, the restoration of Gull Pond Landing.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 8-0**  
**Open Space Committee recommends 5-0**  
**Conservation Commission recommends 6-0**  
**Recreation Committee**

**SUMMARY:** Overall improvements to the area will mitigate erosion on the banking, revegetating with native species, improve parking and beach access, create a safer walking terrain, provide a new picnic area and improve the boat ramp.

**ARTICLE BS:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$240,000** to contribute to the cost of, and thereby support, for the rehabilitation of the Town Tennis Courts.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 7-0-1**  
**Conservation Commission recommends 6-0**  
**Recreation Committee**

**SUMMARY:** The existing courts are over 30 years old and can no longer be adequately repaired. The goal is to restore the Baker's Field Tennis Courts to a fully functioning facility to serve the needs of the community. The restoration will have two new components, blended lines and better windscreens. The blended lines will accommodate "pickle ball" and the advanced technology of the windscreens will make the courts playable for many more hours during the year.

**ARTICLE BT:** To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$39,728** to contribute to the cost of, and thereby support, for relocation and the construction of a new SEABABIES playground.

**Board of Selectmen recommend 4-0**  
**Finance Committee recommends 6-0**  
**Community Preservation Committee recommends 8-0**  
**Recreation Committee**

**SUMMARY:** The playground, designed for children under five years of age, is to be relocated to an area behind the parking lot of the Senior Center and brought up to current state code. SEABABIES playground is available to the public when the day care facility is not in session.

**ARTICLE BU:** To see if the Town will vote to appropriate **\$37,500 or any other sum** for the purpose of funding to repave/restripe Town parking lots at the South Wellfleet General Store, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½), or do or act anything thereon.

**Board of Selectmen recommends 4-0**  
**Finance Committee**

**SUMMARY:** This Article would authorize the borrowing of **\$37,500 or any other sum** plus debt service to pay for the cost of repaving and restriping Town parking lot at the

South Wellfleet General Store. Funding for this project is contingent on approval of a debt exclusion ballot question.

**ARTICLE BV:** To see if the Town will vote to appropriate **\$15,000 or any other sum** for the purpose of funding to enlarge the concrete pad at the Transfer Station, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½), or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** This Article would authorize the borrowing of **\$15,000 or any other sum** plus debt service to pay for the cost to enlarge the concrete pad at the Transfer Station. Funding for this project is contingent on approval of a debt exclusion ballot question.

**ARTICLE BW:** To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Board of Selectmen for replacing a portion of the roof of the roof Wellfleet Elementary School, located at 100 Lawrence Road, Wellfleet, Massachusetts, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 37.95 percent ( %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

**Board of Selectmen  
Finance Committee recommends 6-0  
School Committee**

**SUMMARY:** This Article would authorize the borrowing of remaining balance of the project cost, currently estimated to be \$304,957, or any other sum, to pay for the cost of replacing a portion of the roof on the Wellfleet Elementary School. Funding for this project is contingent on approval of a debt exclusion ballot question. Anticipated Mass. School Building Authority reimbursement is estimated to be \$156,661.

**ARTICLE BX:** To see if the Town will approve the \$2,438,439 borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of the partial roof replacement

of the Nauset Regional Middle School located at 70 Route 28 Orleans MA 02653, including the payment of all costs incidental or related thereto the Middle School Roof Project, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Nauset Regional School District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nauset Regional School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the Nauset Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Nauset Regional School District and its member municipalities. Any grant that the Nauset Regional School District may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty seven point three two percent (37.32%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA. [Final language as furnished by NRSD]

**Board of Selectmen  
Finance Committee**

**SUMMARY:** If passed, this Article approves the \$2,438,439 in borrowing authorized by the Nauset Regional School District for the purposes set forth in the Article (request of the Nauset Regional School Committee.)

**ARTICLE BY:** To see if the Town will vote to raise and appropriate or transfer from available funds \$40,000 or any other sum for the purpose preparing a study to expand parking at Whitecrest Beach and construct a parking area at Lawrence Road, and to study ways to improve access from Cahoon Hollow and Whitecrest parking areas to the beach, , and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½), or do or act anything thereon. or do or act anything thereon.

**Board of Selectmen recommends 4-0  
Finance Committee  
Planning Board recommends 5-0**

**SUMMARY:** This Article would authorize funding to study ways to improve Wellfleet beach parking and beach access issues.

**ARTICLE BZ:** To see if the Town will vote to raise and appropriate or transfer from available funds \$200,000 or any other sum for the purpose preparing a study, plans and designs, permitting and preparation of construction, and other related documents as required by the State of Massachusetts in preparation for Route 6 and Main Street intersection improvements, , and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the

Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½), or do or act anything thereon. or do or act anything thereon.

**Board of Selectmen  
Finance Committee  
Planning Board recommends 5-0**

**SUMMARY:** This Article would authorize the funding for the bid, design, permitting and other planning and study documents necessary to move forward with future improvements to the Route 6 and Main Street intersection in Wellfleet once the project is approved for construction by the state of Massachusetts. Construction funding is provided by the Commonwealth of Massachusetts and the Federal government.

**ARTICLE BZ-1:** To see if the Town will vote to raise and appropriate or transfer from available funds **\$225,000, or any other sum**, for the repairing, replacing and improving the HVAC system in Town Hall and replacing the boiler in the Police Station, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½), or do or act anything thereon. or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** This Article would authorize the funding upgrading the heating systems at Town Hall and the Police Station.

**ARTICLE BZ-2:** To see if the Town will vote to raise and appropriate or transfer from available funds **\$340,000 or any other sum** for purchasing the following equipment for use by the Department of Public Works: one ton dump truck; sidewalk plow; refuse trailer; recycling compactors; excavator and replacement transfer station truck scales, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½), or do or act anything thereon. or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** This Article would authorize the funding for replacing various items of DPW equipment.

**ARTICLE BZ-3:** To see if the Town will vote to raise and appropriate or transfer from available funds **\$160,000, or any other sum**, for the repairing, replacing and improving the drainage at Baker Field and reconstructing the four existing tennis courts, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½), or do or act anything thereon. or do or act anything thereon.

**Board of Selectmen  
Finance Committee**

**SUMMARY:** This Article would authorize borrowing for drainage improvements and tennis court reconstruction. These funds would be used together with the Community Preservation funds which are the subject of a separate article. A grant application has been made to the US Tennis Association and if funded will reduce the amount of the borrowing.

**ARTICLE BAA:** To see if the Town will vote to rescind \$4,800,000 of the borrowing authorized under Article 27 of the April 26, 2010 Annual Town Meeting, said funding originally appropriated for the purpose of planning, designing and constructing water mains throughout the Town, but no longer needed as the purchase is complete; or do or act relating thereto.

**Board of Selectmen recommends 4-0  
Finance Committee recommends 6-0**

**SUMMARY:** This “housekeeping” Article will remove the unspent authorization of \$4,800,000 which would otherwise remain on the books indefinitely.

**[NOTE: May be additional borrowing authorizations to rescind]**

**ARTICLE BAB:** To see if the Town will vote to authorize the Town Administrator or his designee to dispose of the following articles of personal property by trade in or sale;

- Fire Department Ambulance 97
- Fire Department Ambulance 98
- Fire Department Tanker 96
- Fire Department Squad Car 80
- Alamo Flail Axe 48 Model FA48
- 1994 John Deere Excavator 490

1998 Marmon Cab & Chassis  
1998 Spec-Tech Push Out Trash Trailer  
1999 Ben Lee Roll Off Trailer  
2002 Peterbuilt Dump 6-Wheel

or do or act anything thereon.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**

**SUMMARY:** This Article authorizes the Town Administrator or his designee to dispose of surplus/outdated supplies and equipment during the fiscal year. All money received for the disposal of such goods is to be placed in the General Fund, as appropriate. Any credit for trade in value will be applied against the purchase of the replacement vehicle.

## **GENERAL BYLAWS (Section C, Article CA)**

**ARTICLE CA:** To see if the Town will vote to enact Article XVI of the Town of Wellfleet General Bylaw, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including future editions, amendments or modifications thereto, or take any other action relative thereto. Full text of the bylaw follows:

### **ARTICLE XVI**

#### **STRETCH ENERGY CODE**

##### **Section 1.** Definitions.

1.1 International Energy Conservation Code (IECC). The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2012, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

1.2 Stretch Energy Code. Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**Section 2.** Purpose. The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**Section 3.** Applicability. This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

**Section 4.** Authority. A municipality seeking to ensure that building construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115. AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

##### **Section 5.** Stretch Code.

1.1 The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or



modifications, is herein incorporated by reference into the Town of Wellfleet General Bylaws, Article XVI.

1.2 The Stretch Code is enforceable by the Town of Wellfleet Building Inspector.

**Board of Selectmen**

**Bylaw Committee**

**Energy Committee recommends 3-1**

**SUMMARY:** This article, if adopted, would require a higher standard of energy efficiency for the construction of new buildings in the Town of Wellfleet. This article is proposed to help the Town qualify as a “Green Community.” In order to receive its “Green Community” designation the Town must meet certain criteria. This is one of the criteria. (Request of the Energy Committee)

**STANDARD ANNUAL ARTICLES (Section D, Articles DA - DD)**

**ARTICLE DA:** To see if the Town will vote to accept gifts offered to the Town since the 2013 Annual Town Meeting and appearing on a list dated April 1, 2014 and posted in the Office of the Town Clerk, or do or act anything thereon.

**Gifts during the past year include:**

<b>Department</b>	<b>Gift Received</b>
Public Library	\$30,900 books, A/V materials, databases, and museum passes from the Friends of the Wellfleet Library
Council On Aging	\$500 various durable equipment

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**

**ARTICLE DB:** To see if the Town will vote in accordance with G. L. c. 41, §38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector, or do or act anything thereon.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**

**SUMMARY:** This Article authorizes the Town Collector to use all pertinent sections of the Massachusetts General Laws to collect taxes due. This Article also allows for appointment of the Treasurer as Acting Collector.

**ARTICLE DC:** To see if the Town will vote to assume liability in the manner provided by G. L. c. 91, §29 and 29A, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with G. L. c. 91, §11, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or do or act anything thereon.

**Board of Selectmen recommends 4-0**  
**Finance Committee recommends 6-0**

**SUMMARY:** The Commonwealth requires that the Town annually assume all liability for damages that may occur when work is performed by the Massachusetts Department Environmental Management within tidal and non-tidal waterways within the Town.

**ARTICLE DD:** To see if the Town will vote pursuant to the provisions of G. L. c. 71, §16B, to reallocate the sum of the Town’s required local contributions to the Nauset Regional School District in accordance with the Nauset Regional School District Agreement, rather than

according to the formula of the Education Reform Act, so-called, for fiscal year 2015, or do or act anything thereon.

**Board of Selectmen recommends 4-0**

**Finance Committee recommends 6-0**

**SUMMARY:** This annual request would apportion the operating budget of the Nauset Regional School District on a per pupil basis, rather than the Education Reform Act Formula. The Article will apportion the Nauset Regional School District Assessment for Fiscal 2015 to the four member Towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four Towns establishing the Nauset Regional School District, and has been applied in each of the past ten years by Town Meeting vote.

**ZONING ARTICLES (Section E, Articles EA - ED)**

**ARTICLE EA:** To see if the Town will vote to amend the Zoning Bylaws by:

- a) amending Subsection 5.3.2 (Commercial Use Regulations) to add “Registered Marijuana Dispensary (RMD)” as a use allowed by Special Permit in the C and C2 Districts as specified in Section 9.3 “Medical Marijuana Overlay District,” and to add footnote 7, and
- b) adding a new Section 9.3 to the Zoning Bylaw entitled “Medical Marijuana Overlay District (MMOD)” as follows:

<b>5.3.2 Commercial cont'd</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Registered Marijuana Dispensary (RMD)	O	O	O	O	A <sup>7</sup>	A <sup>7</sup>

<sup>7</sup> Use authorized under special permits in the Medical Marijuana Overlay District in the C and C2 Zoning Districts as provided for in Section 9.3 and as provided for in Section 8.4.2 of these Zoning Bylaws.

**9.3 MEDICAL MARIJUANA OVERLAY DISTRICT (MMOD)**

**9.3.1 Establishment**

The Medical Marijuana Overlay District (MMOD) is established as an overlay district, which is shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MMOD may be used either for (1) a Registered Marijuana Dispensary (RMD), in which case the requirements set forth in this Section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

**9.3.2 Purpose**

To provide for the location of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., in locations suitable for lawful RMD and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic sites, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of RMDs.

**9.3.3 Definitions**

**9.3.3.1** Where not expressly defined in the Zoning Bylaws, terms used in the MMOD Bylaw shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq. and the Commonwealth of Massachusetts Department of Public Health

(MDPH) Regulations promulgated thereunder, 105 CMR 725.001, et seq., as they may be amended or superseded, and otherwise by their plain language.

**9.3.3.2 Registered Marijuana Dispensary (RMD)** - Also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to a site of dispensing, cultivation, and/or preparation of marijuana, which site is expressly designated in the Certification of Registration issued by the MDPH.

**9.3.3.3 Special Permit Granting Authority (SPGA)** – As used in this Section 9.3, the Town of Wellfleet Zoning Board of Appeals.

**9.3.3.4 State Law** - Collectively, G. L. c.94C, App. §1-1 et seq. and the MDPH Regulations promulgated thereunder, 105 CMR 725.001, et seq., as they may be amended or superseded, and any successor or recodified version of any regulation issued by an agency of the Commonwealth of Massachusetts with jurisdiction for certifying or regulating the production and/or sale of marijuana for medical use.

#### **9.3.4 Location**

The MMOD consists of certain portions of the land within the C and C-2 District, as follows:

- a) Commercial District - The land described in the Town of Wellfleet Zoning Bylaw, District Descriptions as subsections (2) and (3); and
- b) Commercial 2 District – The land described in the Town of Wellfleet Zoning Bylaw, District Descriptions as subsection (1).

**9.3.4.1** An RMD may be permitted in the MMOD pursuant to a Special Permit granted pursuant to this Section 9.3 and Subsection 8.4.2 of the Wellfleet Zoning Bylaws.

**9.3.4.2** An RMD may not be located within 300 feet of the following:

- a) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- b) Child Care Facility;
- c) Playground;
- d) Youth Center;
- e) Public Beach or Pond; or
- f) Other facility in which minors commonly congregate, excluding the Cape Cod National Seashore and the Cape Cod Rail Trail.
- g) Notwithstanding the above, the properties separated by U.S. Route 6 from a RMD shall be excluded from this list of protected uses.

**9.3.4.3** The distance under this Section is measured in a straight line from the nearest point of the property line of the protected uses identified in Subsection 9.3.4.2 to the nearest point of the property line of the proposed RMD.

**9.3.4.4** A special permit issued pursuant to this Section may, at the discretion of the SPGA, provide for reduction of the distance from protected uses pursuant to Section 9.3.4.2 by no more than twenty-five percent, provided that:

- a) the Applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality; and
- b) the Applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of marijuana to minors or those who are not qualifying patients pursuant to State Law.

### **9.3.5 General Requirements and Conditions**

**9.3.5.1** All RMDs shall be contained within a building or structure, except that no RMD shall be located inside a building containing a residential unit, including transient housing such as motels and cottages, or in buildings that contain the office of a medical doctor or doctor of osteopathy or other professional practitioner authorized by State Law to issue a certification for a qualifying patient for the use of marijuana.

**9.3.5.2** The hours of operation of a RMD shall be set by the SPGA, but in no event shall said RMD be open to the public between the hours of 8:00 PM and 8:00 AM.

**9.3.5.3** Except as specified in State Law, no smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises or grounds of any RMD.

**9.3.5.4** Signage for RMDs:

In addition to meeting the requirements of State Law and the Town of Wellfleet Zoning Bylaws, the following additional requirement and restrictions shall apply:

- a) A sign visible from the exterior of the building in which the RMD is located shall be displayed either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Registration card issued by the MA Department of Public Health required." The required sign shall not exceed six (6) square feet in area, shall be easily readable, and shall not be included in the signage calculation in Subsection 9.3.5.4 b).
- b) Exterior signage shall comply with Wellfleet Zoning Bylaws, except that:
  - 1. no RMD shall have a permanent or temporary freestanding accessory sign or off-premise signage;

2. permitted signage, excluding any state required signage, shall be limited to twelve (12) square feet in area;
3. in accordance with State Law, no RMD external signage shall be illuminated except for a period of 30 minutes before sundown until closing.

c) Be in accordance with all other provisions of State Law.

**9.3.5.5** Fencing and gates shall be in accordance with State Law and with all Town of Wellfleet Bylaws. To the extent practicable, fencing shall be consistent with the character of surrounding properties.

**9.3.5.6** Landscaping shall be in compliance with Wellfleet Zoning Bylaws, except that in accordance with State Law, RMDs shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

**9.3.5.7** Lighting shall be designed and maintained so as to protect adjacent properties and the night sky from intrusive lighting; however, in accordance with State Law, the exterior perimeter of the RMD shall be sufficiently lit to facilitate surveillance.

**9.3.5.8** Security and alarm systems for RMDs shall be in accordance with State Law and Town of Wellfleet General Bylaws, and shall be adequate to prevent and detect diversion, theft, or loss of marijuana or unauthorized intrusion, utilizing commercial grade equipment.

**9.3.5.9** Pesticide and fertilizer storage and use shall be in accordance with State Law and with all applicable state and local statutes, bylaws, and regulations.

**9.3.5.10** Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and bylaws and regulations of the Town.

**9.3.5.11** In accordance with G. L. c. 44, §53 G and regulations adopted by the Zoning Board of Appeals, the SPGA may engage, at the Applicant's expense, professional and technical consultants, including legal counsel, to assist the SPGA Board with its review of any application pursuant to this Bylaw. Failure of the applicant to pay for any such consultant review expense shall be grounds for denial of the application.

### **9.3.6 Special Permit Procedure**

**9.3.6.1** The SPGA shall act in accordance with provisions, regulations, requirements, conditions and limitations set forth in this Section 9.3 and in accordance with Subsections 8.4.2 of the Wellfleet Zoning Bylaw, and with State Law and any other applicable Massachusetts General Laws.

**9.3.6.2** An applicant for the RMD Special Permit shall file with the Wellfleet Town Clerk all required forms, plans and supporting documentation along with twenty (20) copies and required

fees. The Town Clerk shall stamp the application with the date received and shall immediately notify the SPGA of a submitted application packet.

The SPGA may refer any application pursuant to this Bylaw for review by other boards, departments or officers as it deems appropriate, including, but not limited to the Inspector of Buildings, Fire Department, Planning Board, Police Department, Board of Health, the Conservation Commission, the Department of Public Works. Such boards, departments or officers shall review the application and shall submit their written recommendations, if any, to the referring authority within 35 days of receipt of referral of the application, or the application shall be deemed to be unopposed.

All plans and maps shall be prepared, stamped and signed by the appropriate registered design professional licensed to practice in the Commonwealth of Massachusetts, at a scale not greater than one inch equals thirty feet (1" = 30'). Site plans shall include North arrow and locus map.

Applications shall include all additional materials and fees as required by the SPGA , including the following:

- a) 12 copies of the Applicant's application to and Certificate of Registration as an RMD received from the MDPH;
- b) a single copy of all required licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies for the RMD;
- c) the name and address of each owner of any interest in the RMD or the property on which it is proposed to be located;
- d) If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If one or more of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- e) evidence of the Applicant's ownership of or right to use and control the site of the RMD for the RMD, such as a deed, or lease; for any property located within the Cape Cod National Seashore (CCNS), a copy of the notice sent by registered mail, return receipt requested, to the Superintendent of the CCNS.
- f) a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for the preparation of any MIP;
- g) detailed site plans that include the following information:
  1. Compliance with the requirements in 6.3.13a (Other Uses) of the Wellfleet Zoning Bylaws for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw, to the extent not in conflict with any term of the registration of the RMD;
  2. Provision for convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
  3. Provision for convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;



4. Analysis of the adequacy of the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
  5. Proposed building elevations; design and appearance of structures, signs, screening and landscaping; and
  6. Provisions for adequate water supply, septic, surface and subsurface drainage and light;
- h) a description of the security measures, including but not limited to lighting, fencing, gates, and employee security policies, approved by MDPH for the RMD;
  - i) a copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by MDPH for the RMD;
  - j) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by MDPH for the RMD;
  - k) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by MDPH;
  - l) a copy of proposed waste disposal procedures;
  - m) proof of liability insurance that is in accordance with 105 CMR 725.105(Q);
  - n) a description of proposed financial surety to satisfy the requirements of Subsection 9.3.11.2; and
  - o) any waivers from MDPH regulations issued for the RMD.

**9.3.6.3** After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA shall determine whether the application meets the standards, purpose and intent of §9.3 and the standards and conditions of §8.4.2 generally applicable to special permits, and if so determined, may approve the special permit with conditions consistent with this Bylaw.

### **9.3.7 Special Permit Conditions on RMDs**

The SPGA may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect groundwater quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this Section 9.3 and the Wellfleet Zoning Bylaws. In addition to any specific conditions applicable to the Applicant's RMD, a Special Permit granted under this Bylaw shall include the following general conditions:

- a) Hours of operation, including dispatch of home deliveries.
- b) The permit holder shall file a copy of any Incident Report required under State Law with the Inspector of Buildings and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- c) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by MDPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Inspector of Buildings and SPGA within 48 hours of receipt by the RMD.

- d) Each RMD permitted under this Bylaw shall as a condition of its Special Permit file an annual report with the SPGA no later than January 31, providing a copy of all current applicable state permits, licenses, and registrations for the RMD and/or its owners, certificate of liability insurance that is in accordance with State Law and demonstrate continued compliance with the conditions of the Special Permit.
- e) The permit holder shall provide to the Inspector of Buildings and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- f) The Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the RMD.
- g) The Special Permit shall lapse upon the expiration or termination of the Applicant's registration by MDPH.
- h) The permit holder shall notify the Inspector of Buildings and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with MDPH.
- i) As-Built conditions, post-construction, shall be submitted to the Inspector of Buildings prior to issuance of an Occupancy Permit. Any changes or subsequent alterations to previously filed As Built conditions shall be submitted to the Inspector of Buildings upon completion of work.

### **9.3.8 Off-site Cultivation as Authorized by RMD Certificate of Registration**

In the case of cultivation of marijuana at a site other than the Dispensary, where, 1.) the Certificate of Registration identifies the cultivation site, and 2.) the cultivation site meets the requirements of G. L. c.40A, §3 for exemption from the use restriction in the zoning district in which the cultivation site is located, the cultivation of marijuana at such a site shall not require an additional Special Permit pursuant to Subsections 9.3.6 and 9.3.7; but shall be considered within the area subject to the conditions imposed on the RMD special permit.

### **9.3.9 Prohibition Against Nuisances**

No use shall be allowed in the MMOD which creates a nuisance, including loitering, to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

### **9.3.10 Modification and Alteration**

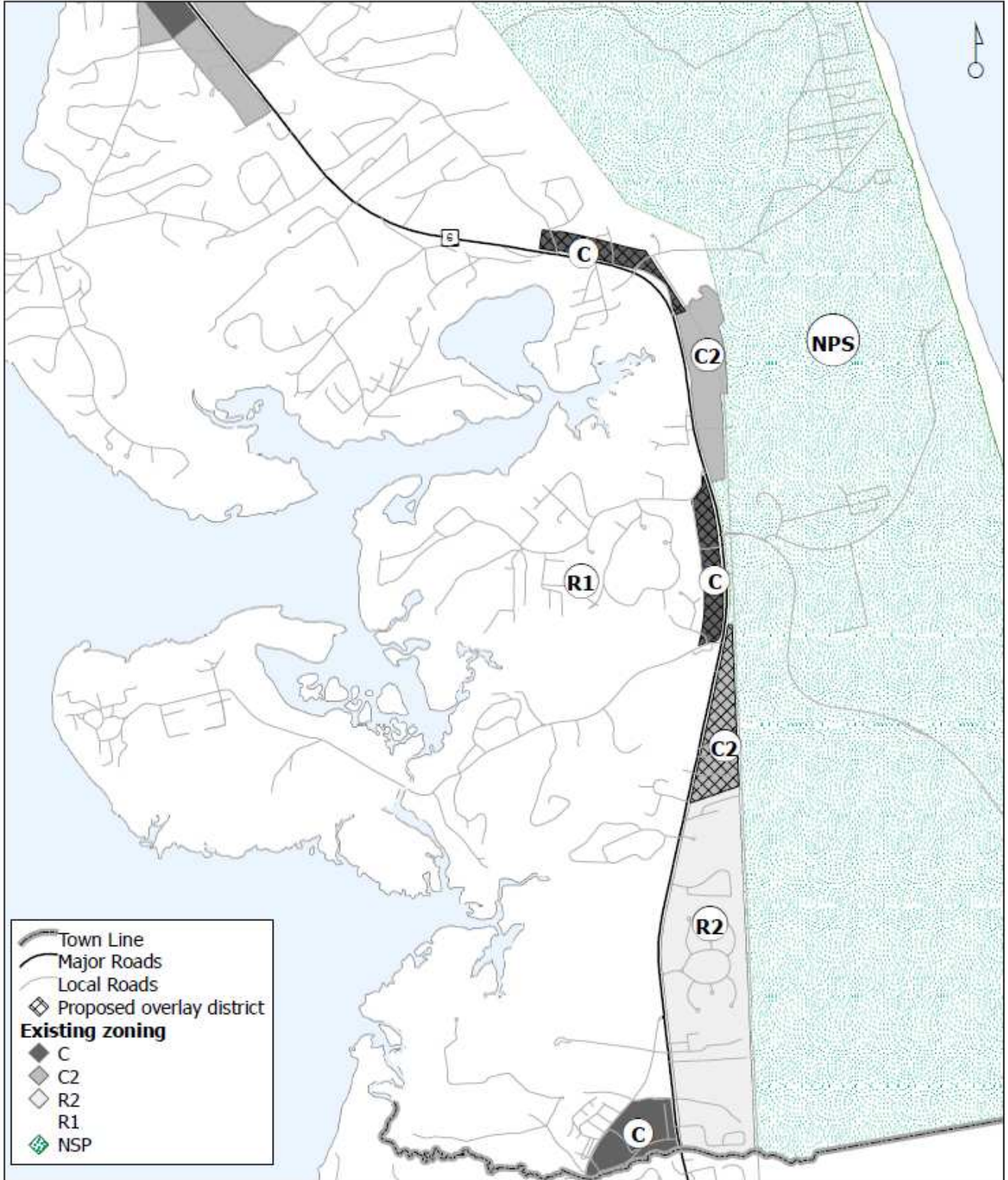
All modification, remodeling, expansion, reduction, or other physical, non-cosmetic alteration of an RMD made after issuance of the Special Permit shall require approval by the SPGA as provided in this Section 9.3

### **9.3.11 Abandonment or Discontinuance of Use**

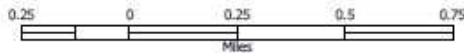
**9.3.11.1** An RMD shall be required to remove all material, including plants, products, waste, equipment and other paraphernalia:

- a) prior to surrendering its state issued licenses or permits; or
- b) within six months of ceasing operations, whichever comes first; and
- c) in accordance with State Law and all other applicable federal, state, and local requirements.

**9.3.11.2** The SPGA shall require the Applicant to post a bond at the time of construction in an amount adequate to pay the costs of removal of the RMD in the event the Town must remove the RMD. The value of the bond shall be based upon the ability to completely remove all the items noted in 9.3.11.1 and properly clean the RMD at prevailing wages. The value of the bond shall be determined based upon the Applicant's supporting information provided to the SPGA, consisting of three (3) written bids to meet the noted requirements. Use of consultants by the SPGA may be required at the expense of the applicant when evaluating or comparing the bids. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the RMD at prevailing wages. Notwithstanding the above, the bond amount is subject to review by the SPGA every three (3) years. (See "Potential Medical Marijuana Dispensary Overlay Zones" map on the following page.)



**Potential Medical Marijuana Dispensary Overlay Zones**



Over: areynolds  
Date: 3/10/2014



CAPE COD  
COMMISSION

The information depicted on these maps is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel level analysis. It should not substitute for actual on-site survey, or separate deed research.

**Board of Selectmen  
Planning Board Recommends 5-0**

**SUMMARY:** Create a bylaw to allow and regulate Medical Marijuana Dispensaries in Wellfleet (request of the Planning Board.)

**ARTICLE EB:** To see if the Town will vote to amend the Zoning Bylaws 1.) to include in the Definitions Section a definition of National Seashore Park Gross Floor Area (NSPGFA); 2.) to amend the title of the table indicating limitations and to amend and clarify the calculation of NSPGFA in Section 5.4.3.1. and 3.) to amend National Seashore Park District Special Permit Sections 6.24.2 Applicability and 6.24.3 Standards and Criteria to conform to proposed NSPGFA definition and Section 5.4.3.1 amendments.

**1.) Include in the Section 2.1 Definitions as follows:**

National Seashore Park Gross Floor Area (NSPGFA) - is defined as per Section 5.4.3.1

**2.) Strike all of the existing Section 5.4.3.1 and replace with a new Section 5.4.3.1 as follows:**

**5.4.3.1 Maximum Site Coverage in the National Seashore Park**

<b>Lot Area Maximum</b>	<b>Site Coverage</b>
Less than 10,500 sq. ft. (just under ¼ acre)	5% Maximum Building Coverage
10,501 sq. ft. to 21,000 sq. ft. (¼ to .48 acre)	1,050 sq. ft. plus 7.4% of lot area over 10,500
21,001 to 42,000 sq. ft. (.48 to .97 acre)	1,825 sq. ft. plus 3.2% of lot area over 21,000
42,001 to 84,000 sq. ft. (.97 to 1.92 acre)	2,500 sq. ft. plus 1.43% of lot area over 42,000
84,001 to 126,000 sq. ft. (1.92 to 2.89 acres)	3,100 sq. ft. plus 1.2% of lot area over 84,000
126,001 sq. ft. (2.89 acres and above)	3,600 sq. ft.

~~Within the NSP District with a Lot Area over 10,500 sq. ft., the following provisions shall apply:~~

~~(a) As used within this Section the following terms shall have the definitions indicated below:~~

~~**Dwelling Space Area** shall mean the total of the Floor Area, Livable within a dwelling plus the floor area of garage space attached to or built into a dwelling, and the floor area in excess of 750 square feet of the aggregate floor area of all Exterior Spaces.~~

~~**Exterior Spaces** shall mean screened porches, and decks thirty six (36) inches or more above grade.~~

~~(b) Calculation of Site Coverage: Within the NSP District Site Coverage shall be calculated by adding the Dwelling Space Area to the gross horizontal area of the floors of any detached structure(s) having a roof. The following shall be excluded from this calculation: attic space, cellars and/or basement floor area not devoted to residential use, and any Shed. As indicated above, only the floor area in excess of 750 square feet of the aggregate floor area of the Exterior Spaces shall be included in the calculation of Dwelling Space Area.~~

~~(c) The Maximum Site Coverage of a Lot within the NSP District shall conform to the above table.~~

(d) ~~In no event shall the site coverage of the Dwelling Space Area on any lot exceed 2,800 square feet nor shall the Maximum Site Coverage of any lot exceed 3,600 square feet.~~

<b>5.4.3.1 Maximum National Seashore Park Gross Floor Area (NSPGFA)<sup>1</sup></b>	
<b>Lot Area</b>	<b>Maximum NSPGFA</b>
Less than 10,500 sq. ft. (just under 1/4 acre)	5% Maximum Building Coverage
10,501 sq. ft. to 21,000 sq. ft. (~ 1/4 to .48 acre)	1,050 sq. ft. plus 7.4% of lot area over 10,500
21,001 to 42,000 sq. ft. (.48 to .97 acre)	1,825 sq. ft. plus 3.2% of lot area over 21,000
42,001 to 84,000 sq. ft. (.97 to 1.92 acre)	2,500 sq. ft. plus 1.43% of lot area over 42,000
84,001 to 126,000 sq. ft. (1.92 to 2.89 acres)	3,100 sq. ft. plus 1.2% of lot area over 84,000
126,001 sq. ft. (2.89 acres and above)	3,600 sq. ft.

<sup>1</sup> The National Seashore Park Gross Floor Area (NSPGFA) of a Lot within the NSP District shall conform to the above table. In no event shall the dwelling exceed 2,800 sq. ft., nor shall the sum of the NSPGFA of a dwelling and its accessory buildings on any NSP District lot exceed 3,600 sq. ft.

National Seashore Park Gross Floor Area (NSPGFA) - The sum of the horizontal area(s) of the floors of a dwelling and all accessory buildings on a lot within the National Seashore Park District. All dimensions shall be measured between exterior faces of exterior walls, or exterior floor faces of decks.

For the purposes of calculating of NSPGFA, the following shall be included:

- Garage space, whether stand-alone or attached to or built into the dwelling or accessory buildings shall be attributed to the appropriate building.
- Basements, except areas as noted below.
- The sum of excess areas of 1.) total porch area in excess of 400 sq. ft., and 2.) total deck area five (5) feet or more above grade in excess of 400 sq. ft. The sum of such excess areas shall be attributed to the dwelling.
- A Guest House, Private, which in the NSP District may exceed 250 sq. ft., and will be deemed an accessory building.

And the following shall be excluded:

- Cellars and attics.

- Floor area with a ceiling height of less than five (5) feet.
- Sheds - up to two sheds, plus one additional shed for each half acre above one acre of Lot Area. Any sheds beyond this limit shall be included in NSPGFA as accessory buildings.
- Basement areas used exclusively for heating, cooling, mechanical and electrical equipment necessary to the operation of the building.

**3.) Amend National Seashore Park District Special Permit Sections 6.24.2 Applicability and 6.24.3 Standards and Criteria as follows (deleted language appears in strikethrough type; proposed language appears in BOLD TYPE):**

**6.24 National Seashore Park District Special Permit**

6.24.2 APPLICABILITY

A National Seashore Park District Special Permit is required for any private property within the boundaries of the Cape Cod National Seashore whose owner proposes to tear down, build anew, make alterations to, or relocate existing buildings, or add new accessory buildings that would:

- a. exceed the ~~Maximum Site Coverage in the~~ National Seashore Park **Gross Floor Area (NSPGFA) District** listed in Section 5.4.3.1 of this By-law, or
- b. otherwise increase the nonconforming nature of the structure, within the standards of §6.1.5 of this By-law.
- ~~e. n~~ Nothing in Section 6.24 shall be construed as authorizing the issuance of a special permit which exceeds the limitations for ~~Dwelling Space Area and for Site Coverage~~ set forth in **footnote 1 of Section 5.4.3.1(d)**.

6.24.3 STANDARDS AND CRITERIA

6. In addition to **5.4.3.1 NSPGFA (National Seashore Park Gross Floor Area)** ~~Maximum Site Coverage table allowance for the lot size~~, the Board shall consider the Cape Cod National Seashore's 50% Use Guideline. Proposed development shall not exceed the 50% formula unless the Board finds that the development shall not have a significant adverse impact on the scenic views and on the prevailing scale, mass and character of the neighborhood and zoning district.

The Cape Cod National Seashore's 50% expansion guideline is based on "the livable area of the single-family residence that existed as of Sept 1, 1959" and allows for 50% expansion to the single-family dwelling; and of this expansion total sum another 50% is allowed for use on an accessory structure(s). For example, 1,000 sq. ft. of single-family dwelling living space as of September 1, 1959 is expandable to 1,500 sq. ft., and of this total sum another 750 sq. ft. is allowable for an accessory building.

**Board of Selectmen recommends 4-0  
Planning Board Recommends 5-0**

**SUMMARY:** Language has been changed in this bylaw to clarify the provisions for size in the National Seashore Park District. No substantive changes are being made in the bylaw allowances (request of the Planning Board.)

**ARTICLE EC:** To see if the Town will vote to amend the Wellfleet Zoning Bylaw Section 6.13 Floodplain District Zoning Regulation and Section 6.14 Special Flood Hazard District Regulations as follows (deleted language appears as strikethrough type; proposed language appears in **bold** type.):

### **6.13 FLOODPLAIN DISTRICT ZONING REGULATION**

(Added 4/30/85 ATM, Art. 56)

6.13.1 Floodplain District ~~The Floodplain District is herein established as an overlay district.~~ **is herein established as an overlay district.** ~~The underlying permitted uses are allowed, provided they meet the following additional requirements, as well as those of the Massachusetts State Building Code dealing with construction of Floodplain, Section 744.0.~~

~~The Floodplain District includes all special flood hazard areas designated as Zones A, AO, AH, V3, V4, V5, V6 A1-30 on the Wellfleet Flood Insurance Rate Map (FIRM) dated June 19, 1985, as amended, on file with the Building Inspector and the Conservation Commission. This map as well as the accompanying Wellfleet Flood Insurance Study are incorporated herein by reference.~~

**The District includes all special flood hazard areas within the Town of Wellfleet designated as Zone A, AE, AO or VE on the Barnstable 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 Barnstable County FIRM that are wholly or partially within the Town of Wellfleet are panel numbers 25001C0229J, 25001C0233J, 25001C0234J, 25001C0237J, 25001C0239J, 25001C0241J, 25001C0242J, 25001C0243J, 25001C0244J, 25001C0261J, 25001C0262J, 25001C0263J and 25001C0264J dated July 16, 2014. 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 Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector and the Conservation Commission. The underlying permitted uses are allowed, provided they meet the following additional requirements, as well as those of the Massachusetts State Building Code dealing with construction of Floodplain (780 CMR).**

6.13.2 Development Regulations - The following requirements apply in the Floodplain District:

- a) Within Zone A, where the 100 year flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation and



flood-proofing requirements, as appropriate, of the State Building Code. **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.**

b) ~~In the AO zones, new structures shall be elevated above the crown of the nearest street or above the depth number found on the Flood Insurance Rate Map (FIRM).~~ **Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.**

e) ~~Within the Floodplain District are areas designated as coastal high hazard areas (Zone V). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provisions shall apply:~~

c) **In Zones 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.**

~~1. All new construction shall be located landward of the reach of the mean high tide.~~

d) **All subdivision proposals must be designed to assure that:**

- i) **such proposals minimize flood damage;**
- ii) **all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and**
- iii) **adequate drainage is provided to reduce exposure to flood hazards.**

e) **Within the Floodplain District are areas designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provisions shall apply:**

**1. All new construction shall be located landward of the reach of the mean high tide.**

**6.14 SPECIAL FLOOD HAZARD DISTRICT REGULATIONS** - (Added 4/30/85 ATM, Art. 57) - In special flood hazard areas subject to high wave impact and/or severe flood inundation (Zone ~~V3, V4, V5, V6, A3, A4, A5~~ **A, AE, AO, VE**) of the ~~Wellfleet Barnstable County~~ **Wellfleet Barnstable County** Flood Insurance Rate Map (FIRM) for the Town of Wellfleet dated ~~June 19, 1985~~ **July 16, 2014** and in accordance with any revisions or issuance, no new building shall be erected or constructed and no new subsurface disposal system installed except as authorized or required by the Board of Health; no paving; no existing structure shall be enlarged; no structure shall be moved except as landward of the reach of mean high tide; no dumping; no filling or earth transfer shall be permitted except as authorized by the Conservation Commission; and there shall be no additional mobile homes. Amended 5/5/87 ATM, Art. 73)

6.14.1 Within these zones the following uses are permitted:

6.14.1.1 Conservation of water courses, plants and wildlife.

6.14.1.2 Outdoor recreation, including play areas, nature study, boating, fishing including shellfishing and marine aquaculture, and hunting where otherwise legally permitted, temporary structures relating to carnivals and recreational activities.

6.14.1.3 Grazing, farming, agriculture and the harvesting of crops.

6.14.1.4 Temporary non-residential structures used in connection with fishing, shellfishing, aquaculture, harvesting, storage or sale of products raised in the premises.

6.14.1.5 Dwellings, signs and parking lots lawfully existing prior to the adoption of these provisions.

6.14.1.6 Utility lines and facilities, and sewerage pipes installed according to plans approved by the Board of Health, the Conservation Commission and the Plumbing Inspector.

6.14.1.7 Boardwalks, wooden stairways, snow fences.

6.14.1.8 Non-Commercial signs (as permitted in the residential districts, Section 7.2 of the Wellfleet Zoning By-law) provided such uses do not affect the natural flow of any watercourse.

6.14.2 Lot requirements for uses allowed in the underlying zone may be comprised of up to 40% of floodplain district land, provided all structures and related facilities are confined to that portion of the lot situated outside of the floodplain district.

6.14.3 To appeal the restrictions in this section, application may be made to the Wellfleet Board of Appeals for a floodplain exemption from this floodplain bylaw in accordance with the following conditions:

6.14.3.1 A determination that the granting of an exemption will not result in increased flood heights, decreased flood storage capacity, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing local laws. ATM 4/25/88

6.14.3.2 A showing of good and sufficient cause.

6.14.3.3 A determination that failure to grant the variance would result in exceptional hardship to the applicant.

6.14.3.4 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6.14.3.5 Compliance in all respects with the State Building Code, Section 744.0. ATM 4/25/88

6.14.3.6 Approval of the Wellfleet Conservation Commission in accordance with MGL Chapter 131, S. 40, the Wetlands Protection Act, and with the Town of Wellfleet's Environmental Protection Bylaw.

6.14.4 If an exemption is granted to construct a structure below the base flood elevation, the Board of Appeals shall notify the applicant in writing over their signatures that the issuance of such an exemption will result in increased premium rates for flood insurance.

6.14.5 The Board of Appeals will maintain a record of all exemptions issued including justification for their issuance and report such exemptions issued in the Annual Report submitted to the Federal Insurance Administration.

**6.14.6: In a riverine situation, the Wellfleet Conservation Agent shall notify the following of any alteration or relocation of a watercourse:**

- **Adjacent Communities**
- **NFIP State Coordinator**  
**Massachusetts Department of Conservation and Recreation**  
**251 Causeway Street, Suite 600-700**  
**Boston, MA 02114-2104**
- **NFIP Program Specialist**  
**Federal Emergency Management Agency, Region I**  
**99 High Street, 6th Floor**  
**Boston, MA 02110**

**Board of Selectmen**  
**Planning Board recommends 5-0**  
**Conservation Commission recommends 7-0**

**SUMMARY:** This is an update of the floodplain district bylaw which has been written by the Massachusetts Department of Conservation and Recreation to match the new FEMA Flood Insurance Rate Map (request of the Planning Board.)

**ARTICLE EC1/2:** To see if the Town will vote to repeal the General Bylaws provision captioned "SPECIAL FLOOD HAZARD DISTRICT REGULATIONS."

**Board of Selectmen**  
**Planning Board recommends 5-0**  
**Conservation Commission recommends 7-0**

**SUMMARY:** This provision of Wellfleet's General Bylaws regulates the same subject as Section 6.14 of the Zoning Bylaw and is inconsistent with the Zoning Bylaw. The general bylaw provision is not required for participation in the FEMA Flood Insurance Program. Repeal of this provision is recommended by the Massachusetts Department of Conservation and Recreation (request of the Town Administrator.)

**ARTICLE ED:** To see if the Town will vote to amend the Zoning Bylaws by amending Section 9.2 Main Street Overlay District to correct Subsection numbering errors as follows (deleted language appears as ~~strike through~~ type; proposed language appears in **bold** type.):

~~9.3~~ **9.2.5** Height, Setback and Building Coverage within the Main Street Overlay District:

~~9.3.1~~ **9.2.5.1** Height

The maximum height of any new or expanded existing structure shall be 28 feet.

~~9.3.2~~ **9.2.5.2** Minimum Yard Requirements

The front yard setback of any new or expanded existing structure may be reduced to a zero line setback to continue the existing development pattern. The side yard setback shall be 6 feet, and the rear line setback shall be 15 feet.

~~9.3.3~~ **9.2.5.3** Building Coverage

Maximum building coverage within the Main Street Overlay District shall be 33%. Building Coverage shall be calculated using the entire area of the lot (upland and lowland) exclusive of any areas on a street or way open to the public.

~~9.4~~ **9.2.6** Parking Requirements

Recognizing that parking requirements in the underlying zoning district may hamper development of village-style land use and development, the Zoning Board of Appeals is authorized to reduce or waive the parking requirements specified for the use or structure proposed. In determining the appropriate reduction, if any, the Zoning Board of Appeals may give consideration to the hours of usage of the proposed use or structure, hours of usage of other uses or structures within the Main Street Overlay District, amount of "shared" parking with other uses, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use or structure, as well as other relevant information to assist the Zoning Board of Appeals in determining the need for additional parking for motor vehicles.

~~9.5~~ **9.2.7** Allowable Uses

Recognizing that village-style development entails a mixture of uses, the Zoning Board of Appeals is authorized to allow a mix of residential and non-residential land uses within the Main Street Overlay District. Allowable uses shall be those listed in the underlying Central District within Section 5.3 of this Zoning By-law and the following:

Conversion of Dwelling Unit  
Arcade  
Inn  
Restaurant, Indoor

Guesthouse, Private  
Guesthouse, Public  
Nursing Home

~~9.6~~ **9.2.8** Severability

The invalidity of any section or sections or parts of any section or sections of this by-law shall not affect the validity of the remainder of Wellfleet's zoning bylaw.

**Board of Selectmen recommends 4-0**

**Planning Board recommends 5-0**

**SUMMARY:** This is a housekeeping article which fixes numbering errors in the existing Section 9.2 of the Zoning Bylaws (request of the Planning Board.)

## **TOWN PROPERTY ARTICLES (Section G, Articles GA)**

**ARTICLE GA:** To see if the Town will vote to transfer care, custody and control of three Town owned parcels, 1.) lot 499 on Assessor's Map 29 (4.42 acres), 2.) lot 160 on Assessors Map 35 (0.32 acres) and 3.) lot 198 on Assessors Map 41 (0.19 acres), from the Board of Selectmen to the Conservation Commission for conservation and passive recreation purposes to be consistent with other Town owned open space conservation and passive recreation lands or do or act anything thereon.

**Board of Selectmen**

**Conservation Commission recommends 6-0**

**Planning Board Recommends 4-0**

**Natural Resources Advisory Board recommends 4-0**

**Open Space Committee recommends 5-0**

**SUMMARY:** The Natural Resources Advisory Board and Open Space Committee request that three Town owned properties currently under the aegis of the Board of Selectmen would be more appropriately placed under the custody of the Conservation Commission for conservation and passive purposes to be consistent with other Town owned open space conservation and passive recreation lands. Lot 499/Map 29 (4.42 acres) is a salt marsh and adjoining Lot 160/Map 35 (0.32 acres) is a bordering upland located on Pleasant Point overlooking the north-west of Drummer Cove. Lot 198/Map 41 (0.19 acres) will complete Mill Hill Island as a protected area.

**PETITIONED ARTICLES (Section J, Articles JA – JB)**

**Article JA:** To see if the Town will vote pursuant to G. L. c. 43B, §10 to amend the Wellfleet Home Rule Town Charter to provide that the Board of Selectmen shall have the sole authority to determine the fees to be charged for use of the Transfer Station as set forth below, or to take any other action relative thereto (By petition.)

Amend **Section 3-5 Specific Powers, Duties and Responsibilities** to add a new subsection 3-5-5 which reads as follows” “The Board of Selectmen shall have the sole authority to determine the structure and amount(s) of fees to be charges for the use of the Transfer Station.”

**Board of Selectmen**

**Board of Health does not recommend 4-0**

**Article JB:** To see if the Town will vote pursuant to G. L. c. 43B, §10 to amend the Wellfleet Home Rule Town Charter to change the Board of Health from an appointed board to an elected board as set forth below, or to take any action relative thereto (By Petition.)

(1) Amend **Section 4-1 Elected Town Boards**, Subsection 4-1-1 to add at the end subsection 4-1-1(e): “a Board of Health of five members shall be elected for three overlapping terms. The Board of Health shall exercise such public health functions as may be prescribed by General Law, this Charter, and Bylaw except that the Board of Health shall not determine the structure or amount of fees to be charged for use of the Transfer Station.”

**Board of Selectmen**

**Board of Health does not recommend 4-0**

**OTHER ARTICLES (Section H, Articles HA – H?)**

**ARTICLE HA:** To see if the Town will vote to revise the Marina Advisory Committee Charge. As amended, the charge would read (deleted language appears as ~~striketrough~~ type; proposed language appears in **bold** type):

To establish a Marina Advisory Committee consisting of seven members and two alternates to be appointed by the Board of Selectmen for terms of two years. **The Chairman of the Committee may designate any such associate member to sit on the committee in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the committee until said vacancy is filled in the manner provided in this section.**

The committee is to study and make recommendations to the Harbormaster and the Board of Selectmen relative to marina operations, the establishment and enforcement of policies and procedures, future planning, and, as a committee, examine complaints made by any vessel owner or other user of the Marina and referring any recommendations regarding such to the Harbormaster. ~~In the event that a quorum is not established at a meeting, the chairman of the committee may appoint an alternate to fill in as a voting member in order to conduct business on that occasion.~~

or do or act anything thereon.

**Board of Selectmen recommends 4-0**

**SUMMARY:** The Marina Advisory Committee was created and its charge adopted by Article 12 of the 1980 Annual Town Meeting. This Article would revise the Marina Advisory Charge and allow the selectmen to appoint two associate member and allow the chairman to designate an associate to sit on the committee in case of absence, inability to act, conflict of interest or in the event of a vacancy on the committee until the vacancy is filled with a regular position (request of the Marina Advisory Committee.)

**ARTICLE HB:** To see if the Town will vote to authorize its Board of Selectmen to petition the General Court for passage of the following proposed special act: “Notwithstanding the provisions of Section 20A ½ of Chapter 90 of the General Laws, the Town of Wellfleet is hereby authorized to increase the maximum limit for parking ticket fines to seventy-five (\$75) dollars if paid within twenty-one (21) days, to eighty (\$80) dollars, if paid thereafter, but because the parking clerk of said town reports to the Registrar of Motor Vehicles, and to ninety-five (\$95) dollars if paid thereafter.

**Board of Selectmen  
Finance Committee**

**STANDARD CLOSING ARTICLES (Section I, Articles IA – IB)**



**ARTICLE IA:** To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon, or do or act anything thereon.

**Board of Selectmen recommends 4-0**

**ARTICLE IB:** To act on any other business that may legally come before the meeting.

**Board of Selectmen recommends 4-0**

**ANNUAL TOWN MEETING WARRANT**  
**April 28, 2014**  
**(BOS SIGNATURE PAGE)**