

ARTICLES IN THE WARRANT

FOR THE

SPECIAL TOWN MEETING

TOWN OF CHATHAM

WEDNESDAY, SEPTEMBER 30, 2009

6:30 P.M.

WITH

RECOMMENDATIONS OF

BOARD OF SELECTMEN

AND

FINANCE COMMITTEE

CHATHAM HIGH SCHOOL

425 CROWELL ROAD

COMMONWEALTH OF MASSACHUSETTS

**TOWN OF CHATHAM
SPECIAL TOWN MEETING WARRANT
WEDNESDAY, SEPTEMBER 30, 2009**

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

GREETINGS:

To any of the Constables in the Town of Chatham in the County of Barnstable.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF CHATHAM, qualified to vote in elections and Town affairs to meet in the gymnasium of the Chatham High School on Crowell Road in said Chatham on the 30th day of September at 6:30 o'clock in the evening, then and there to act on any business that may legally come before said meeting.

Resolution: Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of September 30, 2009.

- A) The Moderator shall have the option of reading each Article in the Warrant verbatim or summarizing the subject matter therein in general terms, at his discretion.
- B) Upon an Article having been disposed of by vote, the Moderator shall entertain a motion to reconsider said Article or to accept a Resolution pertaining to said Article only during the same session during which said vote was acted upon.
- C) A motion to move the previous question shall require a two-thirds vote and may not be debated.
- D) The Moderator shall not accept a motion to move the previous question by any person discussing the Article until after an intervening speaker has discussed the Article.
- E) A non-voter may request the privilege of addressing the meeting on a motion made under any Article or Resolution offered, the request to be granted by the Moderator unless there is an objection by a voter. Upon objection, the Moderator shall poll the meeting by voice or count, at his discretion, and a majority vote in favor shall entitle said non-voter to address the meeting. However, the Moderator may grant the privilege of the floor to any non-resident Town Department Head without necessity of a vote.
- F) The Moderator shall not entertain the question of the presence of a quorum at any point at which a motion to move the previous question has already been voted.
- G) Speakers addressing the meeting shall be limited to five (5) minutes within which to present their remarks. The Moderator will not recognize anyone who has previously spoken on the Article until all persons wishing to address the meeting have had an opportunity to speak. The Moderator may exercise reasonable discretion in enforcement of this rule.

The foregoing rules are not intended to alter or change the traditional conduct of the Town Meetings in Chatham except as specifically stated above.

Article 1 – Captain Nathan Harding House

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as it determines necessary to fund costs related to the preservation, reconstruction, and renovation of the historic Captain Nathan Harding House at 1566 Main Street, West Chatham, or to take any action in relation thereto.

(by petition)

Motion: By John Kaar, Chairman, Community Preservation Committee
I move that the Town vote to appropriate the sum of \$185,136 from the Community Preservation Fund balance in order to fund costs related to the preservation, reconstruction and renovation of the historic Captain Nathan Harding House at 1566 Main Street, West Chatham. All of the following conditions must be met before CPA funds are expended:

- 1) a signed Purchase and Sale Agreement between the CCCHFA and the current owner (1566 Main St. LLC) is in place by the time of Town Meeting;
- 2) the Town must receive a permanent historic preservation restriction covering the front, sides and roof visible from Main Street, including preservation of view lines. This restriction will be recorded with the property deed and continue in force regardless of change in ownership;
- 3) the exterior preservation must be completed in accordance with Department of Interior guidelines on historic preservation;
- 4) the signed purchase and sale agreement will reference that the seller acknowledges that any funds received by the seller from the Chatham Community Preservation Fund shall be used to reduce the purchase price dollar for dollar, to be adjusted at the time of closing;
- 5) the applicant will construct a replacement barn structure (meeting space for the Commercial Hook Fishermen’s Association) on the west side of the house.

Speaker: John Kaar, Chairman, Community Preservation Committee

Explanation: *This seeks funding for the exterior renovation and preservation of the house at 1566 Main Street in West Chatham. This house, built in 1904, has occupied a central place in the West Chatham streetscape for generations. The Chatham Historical Commission has voted that the building is an historically significant structure.*

The interior of the house is being remodeled to become the headquarters and office space for the Cape Cod Commercial Hook Fishermen’s Association (CCCHFA), who are expected to take ownership of the building in mid-2010.

This grant of \$185,136 was approved by the Community Preservation Committee with the following conditions:

- *There must be in place a signed Purchase and Sale Agreement between the CCCHFA and the current owner (1566 Main St. LLC) by the time of Town Meeting.*
- *The Town must receive a permanent historic preservation restriction covering the front, sides and roof visible from Main Street, including preservation of view lines. This restriction will be recorded with the property deed and continue in force regardless of changes in ownership.*
- *The exterior preservation must be completed in accordance with Massachusetts Department of the Interior guidelines on historic preservation.*

In addition, the applicant has included the following points in the application, which will become part of any agreement between the Town and the applicant:

- *Any unspent funds will be returned to the Town's CPA Fund.*
- *Any over-spending will be covered by the applicant.*
- *The applicant will reduce the purchase price to CCCHFA by the amount of any CPA funding.*
- *The applicant will construct a replacement barn structure (actually meeting space for CCCHFA) on the west side of the house. While not part of the historic preservation, nor funded by this grant, this replacement will help preserve the overall "look" of the property.*

The remodeling and reuse of this property has been reviewed by and approved by the Town's Traffic Safety Committee, Planning Board, Historic Business District Committee, Board of Health, and Zoning Board of Appeals.

Community Preservation Committee Recommendation: Approve 9-0-0

Board of Selectmen Recommendation: Approve 3-1-1

Finance Committee Recommendation: Recommendation from Town Meeting Floor

Article 2 - Preservation and Restoration of St. Christopher's Window

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary to fund the preservation and restoration of St. Christopher's Church top altar window on Main Street, or take any other action in relation thereto.

(Community Preservation Committee)

Motion: By John Kaar, Chairman, Community Preservation Committee
I move that the Town pass over Article 2, Preservation and Restoration of St. Christopher's Window.

Article 3 – Formula Business Establishments Zoning Bylaw Amendment

To see if the Town will vote to amend its Protective (Zoning) Bylaw so as to add the following provisions with respect to Formula Business Establishments:

- A. By adding the following to **Section VII., SPECIAL REGULATIONS, Subsection A., General Standards:**

“5. The proposed use of any building or structure for a Formula Business Establishment, as defined herein, shall require both a Special Permit from the Zoning Board of Appeals pursuant to Section VIII.C of this Bylaw and Site Plan Approval of the Planning Board pursuant to Section VI of this Bylaw.”

- B. By adding the following definition to **Section II, Definitions:**

“44. ‘**Formula Business Establishment**’ means a business which does or is required by contractual or other arrangement or as a franchise to maintain two (2) or more of the following items: standardized (Formula) array of services and/or merchandise including menu, trademark, logo, service mark, symbol, décor, architecture, façade, layout, uniforms, color scheme, or similar standardized features and which are utilized by ten (10) or more other businesses worldwide regardless of ownership or location.

including the renumbering of **Section II, Definitions**, to account for adding the above new definition.

- C. By adding the following to **Section VIII.C, Special Permit Procedures, Subsection 4, Criteria:**

“j. Impact on the neighborhood and Town visual character and of surrounding businesses of any formula business establishment.”

- D. By adding the following to **Section V. Nonconforming Lots, Buildings and Uses, Subsection B. Enlargement, Extension or Change:**

“11. Impact on the neighborhood and neighboring uses of any formula business establishment.”

- E. By amending **Appendix I, Schedule of Use Regulations**, by adding the use category **“Formula Business Establishment”**, and by adding a new footnote, so as to read:

“Formula Business Establishment

<u>R60</u>	<u>R-40/R-40A</u>	<u>R-30</u>	<u>R20</u>	<u>R-20A SB</u>		<u>GB</u>		<u>I</u>	<u>M/C</u>	<u>M</u>
<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SP/SPA</u>	<u>SP/SPA</u>		<u>X</u>	<u>X</u>	<u>X</u>

(by petition)

Motion: By Gloria Freeman
I move that the Town vote to amend its Protective (Zoning) Bylaw as printed in the Warrant, Article 3, Formula Business Establishments Zoning Bylaw Amendment.

Speaker: Norman Pacun

Explanation: *The purpose and intent of the proposed Formula Business Establishments Amendment is to help protect Chatham from the intrusions of chain stores and franchises (“Formula Business Establishments”) and the potential negative impact they would have on the town’s special character, local business-based economy, economic vitality, and historical relevance and experience. The Amendment would require all new Formula Businesses, as defined, to obtain Site Plan Approval from the Planning Board as well as a Special Permit from the Zoning Board of Appeals before commencing operation in Chatham. In particular, the ZBA would be authorized to consider the impact of a formula business on the town, the neighborhood, and surrounding businesses.*

Planning Board Recommendation: Recommendation from Town Meeting Floor
Board of Selectmen Recommendation: Recommendation from Town Meeting Floor
Finance Committee Recommendation: Recommendation from Town Meeting Floor

And you are directed to serve this Warrant by posting attested copies thereof at the several Post Offices in said Town, fourteen days at least, before the time of holding said meeting. Hereof fail not and make due return of the Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this _____ day of _____ in the year of our Lord, Two Thousand and Nine.

Ronald J. Bergstrom, Chairman

Leonard M. Sussman, Vice-Chairman

Florence Seldin, Clerk

Sean Summers

David R. Whitcomb
Chatham Board of Selectmen

A True Copy, Attest

Julie Smith, Town Clerk

Barnstable, ss.

Pursuant to the written WARRANT, I have notified and warned the inhabitants of the Town of Chatham by posting attested copies of the same in each of the Post Offices of said Town at least fourteen days before _____, 2009 on _____, 2009.

Constable

Date

