



Town of Chatham

Town Clerk
549 Main Street
Chatham, MA 02633



Julie S. Smith, MMC/CMMC
Town Clerk
jsmith@chatham-ma.gov

Tel: (508) 945-5101
Fax: (508) 945-0752
www.chatham-ma.gov

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Resolution as presented by Selectman Jeffrey Dykens was adopted at the May 9, 2015 Annual Town Election:

Resolution: Resolved that the Town vote to adopt the following rules of procedure for the Town Meeting of May 9, 2016.

- 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.

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 2 – Accept Annual Reports

To hear the reports of various Town Officers and Committees and see what action the Town will take relative to the appointment of officers not chosen by ballot, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Jeffrey S. Dykens, Chairman, Board of Selectmen, moved that the Town Moderator and Board of Selectmen be authorized to appoint the necessary Town officers whose appointments are not otherwise provided for and that the Town hear and accept the reports of various Town officers and committees as they appear in the Town Report.

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 3 – FY2016 Budget Adjustments/Transfers

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary to balance the following line items noted below within the FY2016 budget approved under Article 9 of the May 11, 2015 Annual Town Meeting for the period beginning July 1, 2015 and ending June 30, 2016 inclusive.

	FROM	TO	AMOUNT
1.	Free Cash	Airport Revolving Fund	\$3,600
2.	Various Departments	Police Overtime	\$ 60,000
3.	Various Departments	Fire Overtime	\$ 35,000

Or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Timothy L. Roper, Board of Selectmen, moved that the Town vote to transfer from Community Development \$15,000, Natural Resources \$20,000, Department of Public Works \$50,000, Veterans Services \$10,000 and appropriate the sum of \$95,000 in additional funds to fund the Public Safety Department, Police and Fire Overtime Accounts, and further the Town transfer \$3,600 from the Free Cash to the Airport Revolving Fund.

Board of Selectmen Recommendation: No Recommendation
Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted by a very substantial majority, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 4 – Fix Salaries – Elected Officials

To fix the salaries of the elected Town officers for the fiscal year beginning July 1, 2016, or take any other action in relation thereto.

<u>Officer</u>	<u>FY2015 Voted</u>	<u>FY2016 Request</u>
Moderator	\$ 600	\$ 600
Selectmen – Each	2,000	2,000
Chairman – Extra	500	500

(Board of Selectmen)

MOTION: Cory J. Metters, Board of Selectmen, moved that the Town vote to fix the salaries of the elected Town officers in accordance with the positions and amounts in this Article.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 5 – Consolidated Revolving Funds

To see if the Town will vote pursuant to the authority granted under Massachusetts General Law Chapter 44, Section 53E ½, to establish or reestablish the following Revolving Funds for the purpose of receiving revenues and making disbursements in connection with the following authorized Town activities, or take any other action in relation thereto.

- A) **Airport Revolving Fund**
All monies received by the Airport Commission from the operation of the Chatham Municipal Airport shall be credited to this fund. The Airport Commission and Town Manager shall be authorized to expend from this fund, without further appropriation, to defray the expenses of the Chatham Municipal Airport operated by the Commission. No more than \$40,000 shall be expended from this fund during fiscal year 2017.
- B) **Bassett House Revolving Fund**
All monies received by the Town from the operation of the lease of the Bassett House shall be credited to this fund. The Town Manager shall be authorized to expend from this fund, without further appropriation, to defray the maintenance expenses of the House operated by the Chamber of Commerce. No more than \$8,000 shall be expended from this fund during fiscal year 2017.
- C) **Inspectional Services Revolving Fund**
10% of all monies received by the Town from the issuance of all inspection permits shall be credited to this fund. The Community Development Department, with the approval of the Town Manager, shall be authorized to expend from this fund, without further appropriation to defray the expenses associated with the approval of inspectional permits, including paying any wages or salaries for full time employees and costs of fringe benefits associated with the wages or salaries so paid. No more than \$70,000 shall be expended from this fund during fiscal year 2017.
- D) **Recycling Revolving Fund**

All monies received by the Department of Public Works from the sale of recycling bins, compost bins, rain barrels, kitchen scrap buckets, water saving devices, recycling bags/totes, and other items particular to recycling conservation, shall be credited to this fund. The Department of Public Works, with the approval of the Town Manager, shall be authorized to expend from this fund, without further appropriation, to defray the expense of purchasing additional recycling containers and items particular to recycling and conservation, including advertising the availability of such items. No more than \$5,000 shall be expended from this fund during fiscal year 2017.

E) Marconi Station Revolving Fund

All monies received by the Town from the operation of the leases at the Marconi Station on Old Comers and Orleans Road shall be credited to this fund. The Town Manager shall be authorized to expend from this fund, without further appropriation, to defray inspection and maintenance expenses outside of the lease requirements of the buildings operated by the lessees at the Marconi Station. No more than \$5,000 shall be expended from this fund during fiscal year 2017.

(Board of Selectmen)

MOTION: Seth T. Taylor, Board of Selectmen, moved that the Town authorize and approve the Airport Revolving Fund, Bassett House Revolving Fund, Inspectional Services Revolving Fund, Recycling Revolving Fund, and the Marconi Station Revolving Fund for the purposes and in the amounts listed in Article 5 of the Warrant.

Explanation: The purpose of these revolving funds is to segregate the revenues generated by each of these operations and to restrict the use of those revenues to the purpose for which they are collected. As required by State statute, the following is an accounting of these funds for the prior fiscal year through December 31, 2015:

Airport Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY2015	\$50,400.47	\$22,761.88	\$24,975.33	\$48,187.02
FY2016	\$48,187.02	\$17,831.78	\$17,672.14	\$48,027.41

(Thru 12/31/2015)

Bassett House Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY2015	\$28,200.45	\$3,000.00	\$ 983.36	\$30,217.09
FY2016	\$30,217.09	\$1,686.50	\$ 629.69	\$31,273.90

(Thru 12/31/2015)

Inspectional Services Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY2015	\$129,336.65	\$58,118.06	\$63,761.26	\$123,693.45
FY2016	\$123,693.45	\$27,755.17	\$32,035.40	\$119,413.22

(Thru 12/31/2015)

Recycling Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY2015	\$2,054.25	\$1,017.44	\$2,885.00	\$186.69
FY2016	\$186.69	\$ 601.89	\$0.00	\$788.58

(Thru 12/31/2015)

Marconi Station Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY2015	\$0.00	\$00	\$0.00	\$0.00
FY2016	\$0.00	\$5,000.00	\$0.00	\$5,000.00

(Thru 12/31/2015)

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 6 – Wood Waste Reclamation Facility Enterprise Fund

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to operate the Wood Waste Reclamation Facility Enterprise Fund, or take any other action in relation thereto.

Lease Revenue	\$25,000
Operating Expenses	\$25,000

(Board of Selectmen)

MOTION: Dean P. Nicastro, Board of Selectmen, moved that the Town vote to appropriate \$25,000 to operate the Wood Waste Reclamation Facility Enterprise Fund and to meet said appropriation the Town raise \$25,000 through lease revenue or other funds available for appropriation.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 7 – Town Operating Budget

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary for Town expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Town’s departments and offices, all for the fiscal year beginning July 1, 2016 and ending June 30, 2017 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

FY2017 Town Operating Budget Overview

Description	FY2015 Actual	FY2016 Voted	Proposed Budget FY2017
Operating Budgets (Expenses)			
General Government	\$1,875,954	\$1,940,839	\$1,993,476
Public Safety	\$5,959,858	\$5,540,427	\$5,831,539
Community Development	\$648,719	\$755,676	\$769,491
Natural Resources	\$1,257,700	\$1,314,231	\$1,358,925
Public Works & Facilities	\$4,143,926	\$4,686,741	\$4,709,493
Community & Social Services	\$966,163	\$1,054,930	\$1,148,097
Employee Benefits	\$4,177,371	\$4,423,164	\$4,740,390
Undistributed Ins. & FinCom Reserve Fund	\$449,519	\$609,375	\$609,375
Debt Service	\$7,150,548	\$7,860,558	\$7,834,625
Operating Budget Total	\$26,629,758	\$28,185,941	\$28,995,411

MOTION: Jeffrey S. Dykens, Chairman, Board of Selectmen, moved that the Town vote to appropriate the sum of \$28,995,411 to fund the Operating Budget for the Town for the fiscal year beginning July 1, 2016 for the purposes and amounts designated in the column titled “Proposed Budget FY2017” of Article 7 of the Warrant and to meet said appropriation, the Town raise \$27,968,911 through taxation; and transfer \$160,000 from the Waterways Improvement Fund, \$837,500 from the Land Bank Fund, \$10,000 from the Wetlands Protection Fund, \$15,000 from the PEG Cable Access Fund, \$1,000 from Cemetery Perpetual Care Fund and \$3,000 from the Railroad Museum Fund.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 8-1-0

VOTE: Voice. So voted by a very substantial majority, with a small handful of no’s, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 8 – Regional School Operating Budget - Monomoy Regional School District

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary for Chatham’s share of the Regional Educational and School expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Monomoy Regional School District for the fiscal year beginning July 1, 2016 and ending June 30, 2017 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

FY2017 MRSD Operating Budget Overview

EDUCATION				PROPOSED BUDGET FY2017
DESCRIPTION	FY2015 VOTED	FY2016 VOTED	FY2017 REQUEST	
Operating Budgets (Expenses)				
Monomoy Regional School District	\$7,793,788	\$8,207,932	\$8,660,455	\$8,660,455
Operating Budget Total				\$8,660,455

MOTION: Timothy L. Roper, Board of Selectmen, moved that the Town vote to appropriate the sum of \$8,660,455 to fund the Operating Budget for the Monomoy Regional School District for the fiscal year beginning July 1, 2016 for the purposes and amounts designated in the column titled “Proposed Budget FY2017” of Article 8 of the Warrant and to meet said appropriation, the Town raise \$8,660,455 through the tax rate.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 9 – Regional School Operating Budget - Cape Cod Regional Technical High School

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary for Chatham’s share of the Regional Educational and School expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Cape Cod Regional Technical High School for the fiscal year beginning July 1, 2016 and ending June 30, 2017 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

FY2017 CCRTHS School Operating Budget Overview

EDUCATION				PROPOSED BUDGET FY2017
DESCRIPTION	FY2015 VOTED	FY2016 VOTED	FY2017 REQUEST	
Operating Budgets (Expenses)				
Cape Cod Regional Technical H.S.	\$367,437	\$309,122	\$210,206	\$210,206
Operating Budget Total				\$210,206

MOTION: Cory J. Metters, Board of Selectmen, moved that the Town vote to appropriate the sum of \$210,206 to fund the Operating Budget for the Cape Cod Regional Technical High School for the fiscal year beginning July 1, 2016 for the purposes and amounts designated in the column titled “Proposed Budget FY2017” of Article 9 of the Warrant and to meet said appropriation, the Town raise \$210,206 through the tax rate.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 10 – Water Department Operating Budget

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary for expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Town Water Department for the fiscal year beginning July 1, 2016 and ending June 30, 2017 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

FY2017 Water Operating Budget Overview

WATER FUND				Water Budget
Description	FY2015 Voted	FY2016 Voted	FY2017 Request	FY2017 Proposed
Water Costs				
Operating				
Salaries	\$128,094	\$187,759	\$188,775	\$188,775
Expenses	\$1,222,466	\$1,270,440	\$1,309,320	\$1,309,320
Sub-total Operating	\$1,350,561	\$1,458,199	\$1,498,095	\$1,498,095
Debt				
Principal	\$599,178	\$719,178	\$719,178	\$719,178
Interest – Long-term	\$190,292	\$247,363	\$214,631	\$214,631
Interest – Short-term	\$0	\$25,000	\$25,000	\$25,000
Subtotal Debt	\$789,469	\$991,541	\$958,809	\$958,809
Total Water Direct Costs	\$2,140,030	\$2,449,740	\$2,456,904	\$2,456,904
Overhead – Indirect Costs	\$233,139	\$238,967	\$244,941	\$244,941
Overhead – Rate Payback for Betterments	\$39,760	\$37,870	\$35,963	\$35,963
Subtotal Overhead	\$272,899	\$276,837	\$280,904	\$280,904
Water Operating Budget	\$2,412,929	\$2,726,577	\$2,737,808	\$2,737,808

MOTION: Seth T. Taylor, Board of Selectmen, moved that the Town vote to appropriate \$2,456,904 for direct costs, and further that an additional \$280,904 be transferred to the General Fund to be applied to overhead and indirect costs associated with the Water Department Operating Budget of the Town for the fiscal year beginning July 1, 2016, for the purposes and in the amounts designated in the column titles "Proposed Water Budget FY2017" of Article 10 of the Warrant and to meet said appropriation, the Town raise \$2,337,808 through water receipts and raise \$400,000 through the tax rate.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 11 – Five Year Capital Authorization

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum or sums of money, to be expended for capital projects, equipment and expenses, or take any other action in relation thereto.

(Board of Selectmen)

FY2017 Capital Budget Overview

Description	FY2016 Actual	FY2017 Request	FY2017 Proposed
CAPITAL PROGRAM & BUDGET SUMMARY			
General Government	\$205,000	\$292,000	\$230,000
Public Safety	\$26,500	\$413,200	\$199,500
Community Development	\$12,500	\$12,500	\$12,500
Natural Resources	\$330,000	\$1,252,000	\$374,000
Public Works (without Water)	\$497,000	\$1,973,167	\$788,500
Equipment	\$704,000	\$1,196,750	\$413,750
Total Town Funded Capital Budget	\$1,775,000	\$5,139,617	\$2,018,250

MOTION: Dean P. Nicastro, Board of Selectmen, moved that the Town vote to appropriate \$2,018,250 for the purpose of funding the FY2017 Capital Budget in the column titled “FY2017 Proposed” of Article 11 of the Warrant and to meet said appropriation, the Town raise \$558,250 through taxation; and transfer \$1,400,000 from Free Cash, \$40,000 from Waterways Improvement Fund, \$10,000 from the PEG Cable Access Fund and \$10,000 from the Cemetery Sale of Lots Fund.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted by a very substantial majority, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 13 – OPEB Trust Fund Appropriation

To see if the Town will vote to transfer from overlay surplus the sum of \$150,000 for the purpose of funding the Other Post-Employment Benefits Trust Fund, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Timothy L. Roper, Board of Selectmen, moved that the Town vote to transfer the sum of \$150,000 from overlay surplus for the purpose of funding the Other Post-Employment Benefits Trust Fund.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-1-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 14 – Water Capital - Iron and Manganese Water Treatment Facility

To see if the Town will vote to appropriate a sum of \$3,500,000 for the purpose of paying costs related to the construction of the Iron and Manganese Water Treatment Facility, and for all costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing from the Clean Water Trust or otherwise; or to take any other action in relation thereto.

(Board of Selectmen)

MOTION: Cory J. Metters, Board of Selectmen, moved that \$3,500,000 is appropriated for the purpose of financing the construction of the Iron and Manganese Water Treatment Facility, and for all costs incidental and related thereto, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow said amount and issue bonds or notes therefor under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws or pursuant to any other enabling authority; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Clean Water Trust (the “Trust” formerly referred to as MWPAT) established pursuant to Chapter 29C of the General Laws, and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Chatham Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, and to expend all funds available for the project and to take any other action necessary to carry out the project.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-1-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So voted unanimously, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 15 – Water Capital – Water Meters

To see if the Town will vote to appropriate a sum of \$350,000 for the continuation of the program to convert to automated water meter reading systems, and for all costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action in relation thereto.

(Board of Selectmen)

MOTION: Seth T. Taylor, Board of Selectmen, moved that that \$350,000 is appropriated for the continuation of the program to convert to automated water meter reading system, and for all costs incidental and related thereto; that to meet this appropriation, transfer from available funds of the Water Department the sum of \$350,000.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 16 – Capital Authorization; Fire Department Pumper Truck

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum or sums of money, to be expended for the lease purchase of the a Fire Engine Pumper, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Dean P. Nicastro, Board of Selectmen, moved that the Town vote to authorize the acquisition via lease/purchase of a Fire Engine Pumper, and for all costs incidental and related thereto, with funds for the first year of the lease payment to be appropriated in FY2018.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 17 – Capital Authorization; Chatham Municipal Airport

To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying costs for the design, construction and installation of improvements to the Town owned buildings at the Chatham Municipal Airport, specifically to the Maintenance Storage Hanger Structure, the replacement of the Green Hangar doors, snow removal equipment and storm-water pollution protection plan, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Jeffrey S. Dykens, Chairman, Board of Selectmen, moved that the Town appropriate \$302,000 for the design, construction and installation for necessary repairs for the Maintenance/Storage Hangar, installation of new doors to the Green Hangar, snow removal equipment and storm-water pollution protection plan, and for all costs incidental and related thereto, and to raise \$302,000 through the tax rate.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 6-2-0

VOTE: Voice. So voted by a very substantial majority, declared the Moderator.



Town of Chatham

Town Clerk
549 Main Street
Chatham, MA 02633



Julie S. Smith, MMC/CMMC
Town Clerk
jsmith@chatham-ma.gov

Tel: (508) 945-5101
Fax: (508) 945-0752
www.chatham-ma.gov

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

**Article 18 – Lower Main Street/Lighthouse Overlook Parking Lot;
Stormwater Infrastructure**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the purpose of paying costs related to the engineering, permitting, and construction of leaching infrastructure under Bearse's Lane to infiltrate stormwater into the ground allowing for natural treatment and to replace certain stormwater catch basins on Silverleaf Ave., including all costs incidental and related thereto; or to take any other action in relation thereto.

(Board of Selectmen)

MOTION: Timothy L. Roper, Board of Selectmen, moved that the sum of \$130,000 be raised and appropriated to fund the engineering, permitting, and construction of leaching infrastructure under Bearse's Lane to infiltrate stormwater into the ground allowing for natural treatment and to replace certain stormwater catch basins on Silverleaf Ave., including all costs incidental and related thereto; and to meet this appropriation raise \$130,000 through the tax rate.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 19 – Bearse’s Lane Retaining Wall

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of paying costs related to the engineering, permitting, and construction of a replacement for a failed retaining wall along Bearse’s Lane, including all costs incidental and related thereto; or to take any other action in relation thereto.

(Board of Selectmen)

MOTION: Cory J. Metters, Board of Selectmen, moved that the sum of \$60,000 be appropriated to fund the engineering, permitting, and construction of a replacement for a failed retaining wall along Bearse’s Lane, including all costs incidental and related thereto; and that to meet this appropriation the town raise \$60,000 through the tax rate.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 20 – Capital Authorization; Municipal Fish Pier Facility Improvements

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum or sums of money to be expended for the design and reconstruction of various projects involving the Fish Pier Facility including the building support columns, observation deck, South Jog/Embayment Bulkhead Engineering and electrical grounding, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Seth T. Taylor, Board of Selectmen, moved that the sum of \$525,000 is hereby appropriated for the purpose of paying costs for the design and reconstruction of various projects involving the Fish Pier Facility, including the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town raise \$525,000 through the tax rate.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 21 – Waterfront Property Engineering, 90 Bridge Street

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of paying costs related to the engineering and permitting of the selected site development plan providing mixed municipal and public water access uses for the Town-owned waterfront parcel at 90 Bridge Street, including all costs incidental and related thereto; or to take any other action in relation thereto.

(Board of Selectmen)

MOTION: Dean P. Nicastro, Board of Selectmen, moved that the sum of \$75,000 be transferred from the Waterways Improvement Fund for the purpose of paying costs related to the engineering and permitting of the selected site development plan providing mixed municipal and public water access uses for the Town-owned waterfront parcel at 90 Bridge Street, including all costs incidental and related thereto.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 22 – Waterfront Land Acquisition; 3 Champlain Road

To see if the Town will vote to authorize the Board of Selectmen to acquire through donation, purchase, eminent domain, or otherwise, a fee simple interests in the parcels of land located at 3 Champlain Road, Chatham, identified by Assessors' map 13A-3-23 encompassing the entire parcel conveyed to and owned by Eldredge Estate of Lillian A, c/o Ernest Eldredge as more particularly described in a deed recorded with the Land Court of the Barnstable County Registry of Deeds in Book 1975, page 52 and as further described on a certain plan of land entitled *Waterfront Parcel Acquisition, 3 Champlain Road*, a copy of which is on file with the Town Clerk's office, said property to be used for general municipal and public uses, water dependent uses and other purposes, and further to appropriate, by borrowing, transfer or otherwise, a sufficient sum of funds to accomplish the same, and to authorize the Selectmen and Town Manager to negotiate and execute any and all documents to effectuate this donation, purchase and/or taking, or to take any other action relative thereto.

(Board of Selectmen)

MOTION: Jeffrey S. Dykens, Chairman, Board of Selectmen, moved that the Town vote to transfer from Free Cash a total of \$1,500,000 for the acquisition by purchase of a parcel of land located at 3 Champlain Road, Chatham, Massachusetts as identified as Assessors' map 13A-3-23 encompassing the entire parcel conveyed to and owned by Eldredge Estate of Lillian A, c/o Ernest Eldredge, as more fully described in a recorded deed with the Land Court of the Barnstable County Registry of Deeds in Book 1975, page 52 and as further described on a certain plan of land entitled *Waterfront Parcel Acquisition, 3 Champlain Road*, a copy of which is on file with the Town Clerk's office, said total of \$1,500,000 to include \$1,300,000 for the acquisition and \$200,000 for site design and engineering services, said property to be used for municipal and public, water dependent uses and other purposes, and to authorize the Selectmen and Town Manager to negotiate and execute any and all documents to effectuate this purchase.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 6-2-0
Vote Required: Two-Thirds Majority

VOTE: Voice. So voted by a very substantial majority (only one no), declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 23 – ATM 2015, Article 47 Re-Vote Due to Procedural Flaw
Citizen Petition: Protective (Zoning) Bylaw Amendment;
Deletion of Three of Six Flexible Development Overlay Districts

~~Strikethrough~~ indicates language proposed for deletion.
Underline indicates language proposed for inclusion.

To see if the Town will vote to amend its Protective Bylaw (Zoning) by deleting subsections a, b, and e of Section IV, Paragraph D, Flexible Development Districts, as set forth below, or take any other action in relation thereto:

Section IV, Paragraph D. Flexible Development Districts, Subparagraph 3. Location, as follows:
The Flexible Development Overlay District is located in the following zones:

~~a. The GB2 (D) District bounded northerly by an irregular line 300 feet from, and parallel to, Route 28 and by Conservancy District C28; easterly by land of Emily P. Sylvan and Uncle Albert's Drive, southerly by an irregular line three hundred (300) feet from, and parallel to Route 28; westerly by Kelley Lane; southerly by Route 28; and westerly by the easterly bound of land of Pilgrim Village of Chatham, Inc.~~

~~b. The SB (FC) District bounded westerly by the westerly property line of Sumner G.N. Harding and Jean C. Harding; northerly by land of the Town of Chatham, by Bearse's Pond, and by a line five hundred (500) feet from, and parallel to Route 28; westerly by Whelden Way; and Southerly by Route 28, excluding therefrom any land lying within the bounds of the adjoining Conservancy District.~~

~~e. The SB(FD) District in South Chatham bounded westerly by Route 137; northerly by land of the Town of Chatham from Route 137 to Cockle Cove Creek; easterly by Cockle Cove Creek to Route 28 and Southerly by Route 28."~~

And to redesignate the remaining subsections accordingly.

(By Petition)

MOTION: Deborah S. Ecker, Petitioner, moved that the Town vote to amend its Zoning Bylaw as printed in the Warrant for Article 23.

Explanation: *This is a corrective action. Approval of this Citizen's Petition under Article 47 was received by a two-thirds majority vote at the 2015 Annual Town Meeting. When the warrant reflecting Town Meeting action was submitted to the MA Attorney General's Office for required review and approval, a procedural flaw was brought to the Town's attention relating to posting of all of the 2015 proposed Protective (Zoning) Bylaw Amendments. The Attorney General's Office elected to proceed under the defect waiver provisions of MGL and published a Notice of Procedural Defect. Responses from two property owners indicating that they found the posting defects for this article to be "misleading" and did not allow them adequate time to thoroughly consider the impacts to their properties were received. Therefore, the Attorney General's office could not waive the defect, and this has necessitated the requirement for this article to be re-voted at the next Town Meeting.*

Explanation as provided by the Petitioner. *Flexible Development Overlay Districts (FDODs) allow multiple housing (4 dwelling units, 8 bedrooms per acre), independent living and congregate residential facilities (12 dwelling units, 24 bedrooms per acre) and commercial development. The purpose of these amendments is to eliminate development contrary to the Goals and Policies of the Comprehensive Long Range Plan and conclusions of the 2013 Visioning Sessions for the Route 28 Corridor. Both recommend elimination of these Districts. The general locations of the FDODs to be removed are the Cornfield Area (Paragraph a), West Chatham (Paragraph b) and South Chatham (Paragraph e). Three remaining FDODs have been mostly or entirely expended for good purposes (Park Place, Liberty Commons, Town Offices Annex). In these three Districts it is not expected much will be changed.*

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

Planning Board Recommendation: Approve 4-1-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So voted by well over the requisite 2/3rds majority, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 24 – Protective (Zoning) Bylaw Amendment;
South Chatham Zoning Changes

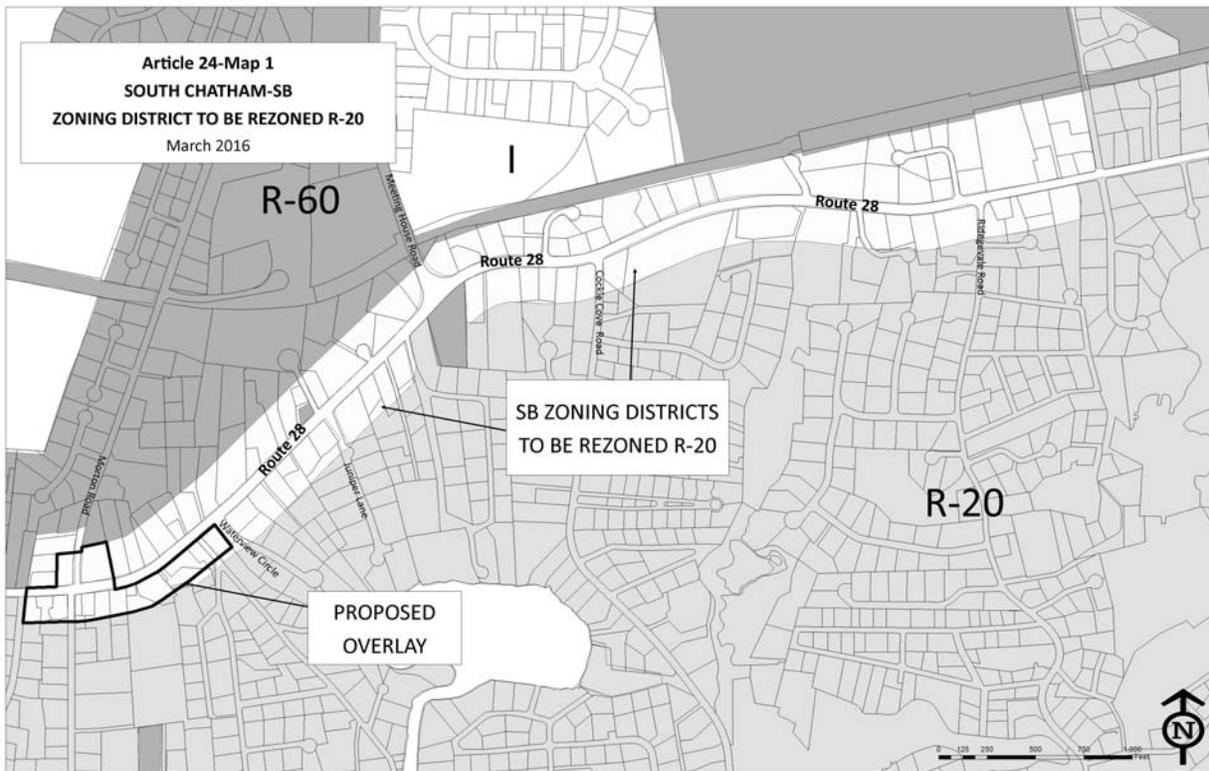
~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to create a distinct South Chatham neighborhood center with surrounding residential areas by eliminating the South Chatham Flexible Development Overlay District, rezoning the South Chatham corridor that is currently zoned Small Business to Residential R20, and then creating a neighborhood center overlay district by amending its Protective (Zoning) Bylaw and Town of Chatham Zoning Map as follows:

Amend the **Town of Chatham Zoning Map** by eliminating the Flexible Development Overlay District from the following described area:



The **SB (FD) District** in South Chatham bounded westerly by Route 137; northerly by land of the Town of Chatham from Route 137 to Cockle Cove Creek; easterly by Cockle Cove Creek to Route 28 and southerly by Route 28.

And renumbering the remaining subsections accordingly.

Amend **Section IV., Overlay Regulations, Subsection D. Flexible Development District**, of the Protective (Zoning) Bylaw to delete the South Chatham area from the Flexible Development District by deleting Subsection 3.“e.” in its entirety as follows:

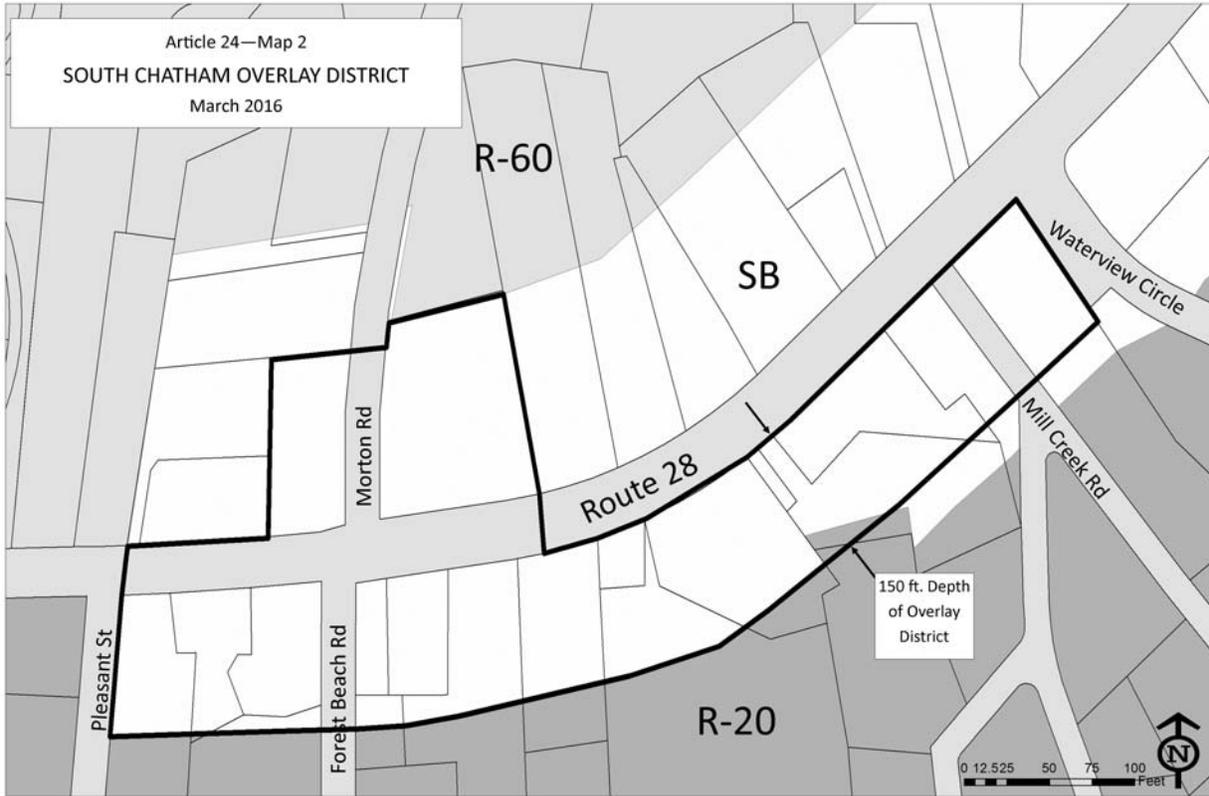
~~e. The **SB (FD) District** in South Chatham bounded westerly by Route 137; northerly by land of the Town of Chatham from Route 137 to Cockle Cove Creek; easterly by Cockle Cove Creek to Route 28 and southerly by Route 28.~~

Amend the **Town of Chatham Zoning Map** to rezone certain parcels or portions of parcels representing the Small Business (SB) zoning district in South Chatham to a Residential 20 (R20) zoning district as shown on the map entitled “Map 1-South Chatham SB Zoning District to be Rezoned R-20” and dated March 2016, said map being both attached to this Town Meeting warrant and on file with the Town Clerk.

Amend the **Town of Chatham Zoning Map** to create a “South Chatham Neighborhood Center (SC)” Overlay District by creating an overlay district that overlays that portion of South Chatham bounded on the north side of Route 28 from 100 feet west of Morton Road and continuing easterly to 190 feet east of Morton Road and on the south side of Route 28 from Pleasant Street to 100 feet east of Mill Creek Road at a depth of 150 feet from the road right of way as

shown on the map entitled “Map 2-South Chatham Overlay District” and dated March 2016 said map being both attached to this Town Meeting warrant and on file with the Town Clerk.

Amend the **Protective (Zoning) Bylaw** to create regulations for the South Chatham Overlay District as follows:



Amend **Section III., District Regulations, Subsection A. Type of Districts** by adding the following in the second list under the words, “In addition the following overlay districts are established” as a last item:

South Chatham Overlay District: SC

Amend **Section IV., Overlay Regulations**, by adding the following Subsection in its entirety:

E. South Chatham Overlay District (SC)

1. Purpose

The South Chatham neighborhood center is intended to provide an opportunity for limited commercial/business development while preserving the historical seaside village character of the neighborhood.

2. Location

The South Chatham Overlay District is located along the Route 28 corridor in South Chatham from approximately 100 feet west of Morton Road to approximately 190 feet east of Morton Road on the north side and from Pleasant Street to approximately 100 feet east of Mill Creek Road on the south side as more specifically shown on the Zoning Map dated May 9, 2016.

3. Uses

a. All uses permitted in the underlying Residential 20 (R20) zoning district shall be permitted in the SC Overlay District pursuant to Appendix I Schedule of Use Regulations and other applicable provisions of the Bylaw.

b. Additionally, the following overlay uses shall also be permitted in the SC Overlay District by Special Permit. These overlay uses shall be pursuant to the requirements of this Section IV. E. herein and to any applicable requirements of Section VII Special Regulations and other applicable provisions of the Bylaw.

- Antique Shop, Art Gallery and Gift Shop
- Apartment Incidental to a Commercial use and Industrial Use
- Bank
- Lunch Room
- Personal and Household Services
- Professional Office
- Retail Sales and Services

c. The overlay uses allowed by Special Permit in b. above shall be required to obtain **Site Plan** Approval pursuant to regulations set forth in Section VI, Subsection A. Site Plan Review

d. No individual overlay use allowed by Special Permit in b. above shall have a unit size of greater than 2,500 square feet of floor area.

e. The overlay uses allowed by Special Permit in b. above are subject to Appendix II Schedule of Dimensional Requirements.

4. Procedure

The development of any overlay use, or change in an existing use to an overlay use, shall be required to obtain **Site Plan** Approval pursuant to regulations set forth in Section VI, Subsection A. **Site Plan** Review and shall require a Special Permit from the Zoning Board of Appeals pursuant to Section VIII.C. and other applicable provisions of the Bylaw.

Amend **Section VI, Supplementary Regulations, Subsection B. Parking Requirements** by adding to Subsection (4) the following paragraph after the first paragraph:

Within the SC Overlay District, parking requirements for any overlay use shall be pursuant to Section VI.B. Any additional required parking spaces within the SC shall be located to the side or rear of the **lot** to the maximum extent practicable. The Planning Board shall determine maximum extent practicable during the **Site Plan** Review process and shall document reasoning for determination to the Zoning Board of Appeals prior to the **Special Permit** hearing.

Amend **Section VII., Special Regulations, Subsection B.3. Antique Shop, Art Gallery or Gift Shop**, by amending the first sentence to now read as follows:

Permitted in the Small Business (SB) District and allowed by Special Permit in the South Chatham Neighborhood (SC) Overlay District as follows:

Amend **Section VII., Special Regulations, Subsection B.4. Apartment, Incidental to a Commercial Use and Industrial Use** by amending the first sentence to now read as follows and by adding a paragraph number 5. in subsection a. as follows:

Permitted in the Industrial (I) Districts and allowed by Special Permit in the General Business (GB) Districts and in the South Chatham Neighborhood (SC) Overlay District as follows:

a.5. In the SC District, there shall be no more than two (2) **apartments** in any one building.

Amend **Section VII., Special Regulations, Subsection B.16. Restaurant, Lunch Room, Bar, Tavern, Fast-Food or Takeout Restaurant** by adding the following section to the end of the existing section:

Lunch Room is allowed by Special Permit in the South Chatham Neighborhood (SC) Overlay District pursuant to Section IV.E. as an overlay use provided that the regulations as listed in Section IV.E.3.c, d. and e. have been met.

Amend **Appendix I., Schedule of Use Regulations**, by adding the following footnote "6" to the R20 column to the following uses:

Antique Shop, Art Gallery and Gift Shop⁶
Apartment Incidental to a Commercial use and Industrial Use⁶
Bank⁶
Lunch Room⁶
Personal and Household Service⁶
Professional Office⁶
Retail Sales and Services⁶

⁶ Also allowed in the South Chatham Neighborhood (SC) Overlay District pursuant to Section IV.E.

Amend **Appendix II, Schedule of Dimensional Requirements**, by adding the following district row for SC Overlay and adding the following footnote 14:

			Minimum Building/Structure Setbacks ^{9, 10}										
										Maximum Bldg. Height		Min. Parking Setbacks	
District	Min. Lot Size (sq ft)	Min. Frontage (feet)	Road (ft)	Abutter (ft)	Conservancy Districts ^{2, 3}		Max. Lot Coverage	Max. Bldg Coverage	Reg. Green Area	Stories ⁶	Feet	Road (ft)	Abutters (ft)
					Coastal (ft)	Inland (ft)							
<u>SC Overlay</u> ¹⁴	<u>20,000</u>	<u>100</u>	<u>25</u>	<u>15</u>	<u>50</u>	<u>25</u>	<u>50%</u>	<u>20%</u>	<u>50%</u>	<u>2 ½</u>	<u>30</u>	<u>20</u>	<u>15</u>

¹⁴ These dimensional requirements shall apply only to a lot or structure housing an overlay use as provided for in Section IV. E. of this Bylaw. Other uses as allowed for under the underlying zoning district of R20 shall be subject to the R20 Dimensional Requirements.

(Planning Board)

MOTION: Peter Cocolis, Chairman, Planning Board, moved that the Town vote to amend its Protective (zoning) Bylaw as printed in the Warrant for Article 24 with the exception of the proposed removal of the South Chatham Flexible Development Overlay District as the removal of this overlay district is already accomplished through adoption of Article 23.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 7-0-0

Planning Board Recommendation: Approve 4-0-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So voted by well over the requisite 2/3rds majority, declared the Moderator.



Town of Chatham

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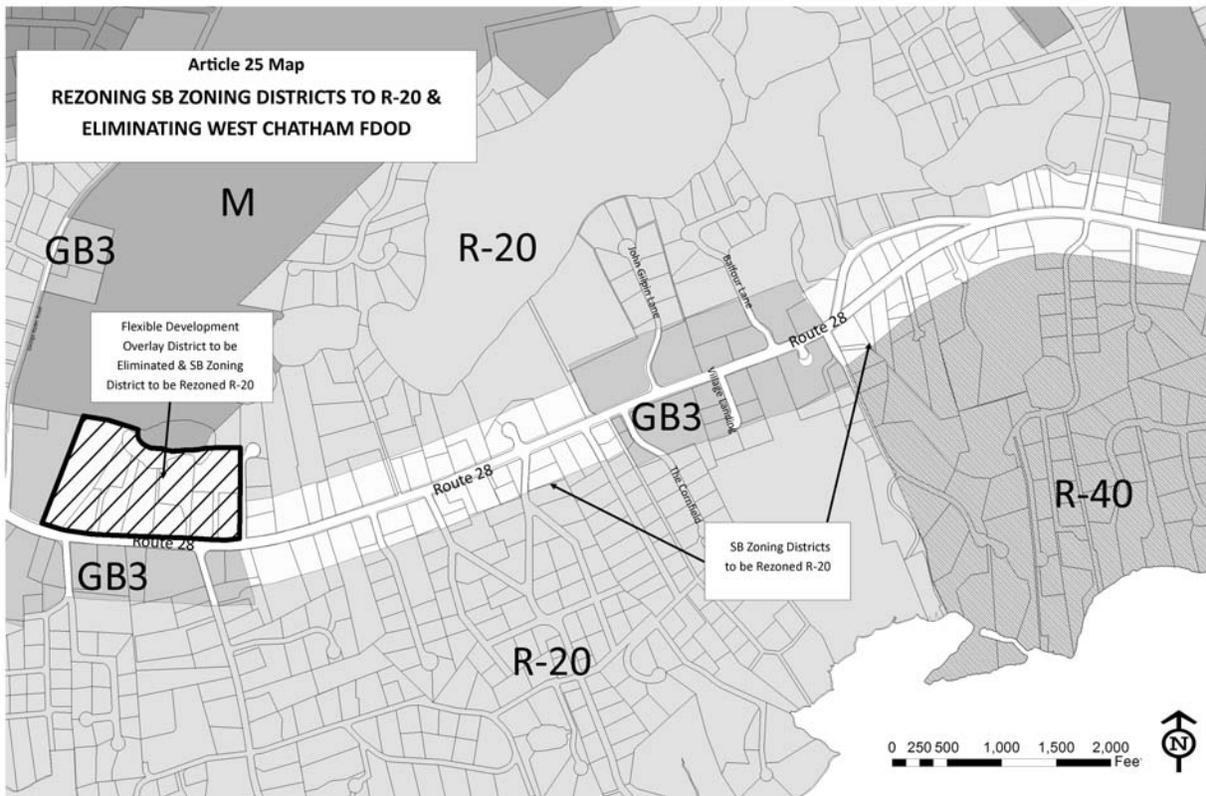
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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

ARTICLE 25 – Protective (Zoning) Bylaw Amendment – Eliminate Two (2) SB Zoning Districts Along Route 28 Corridor and The West Chatham Flexible Development Overlay District and Re-Zone These Areas to Residential 20 (R20) Zoning District (In-Between Areas)

To see if the Town will vote to eliminate two Small Business (SB) zoning districts along Route 28 corridor by rezoning the following parcels from a Small Business (SB) zoning district to a Residential R20 zoning district as shown on the map entitled “Map 1-Rezoning SB Zoning



Districts to R20 & Eliminating West Chatham FDOD” and dated February 2016, said map being both included in this Town Meeting warrant and on file with the Town Clerk.

Also amending Section IV.D. – Flexible Development District by deleting Subsection 3.b. as follows:

3.

b. ~~The SB (FD) District bounded westerly by the westerly property line of Sumner G. N. Harding and Jean C. Harding; northerly by land of the Town of Chatham, by Bearse's Pond, and by a line five hundred (500) feet from, and parallel to Route 28; easterly by Wheldon Way; and southerly by Route 28, excluding therefrom any land lying within the bounds of the adjoining Conservancy District.~~

And renumber the remaining subsections accordingly.

(Planning Board)

MOTION: Peter Cocolis, Chairman, Planning Board, moved that the Town vote to amend its Protective (zoning) Bylaw as printed in the Warrant for Article 25 with the exception of the proposed removal of the West Chatham Flexible Development Overlay District as the removal of this overlay district is already accomplished through adoption of Article 23.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 6-1-0

Planning Board Recommendation: Approve 4-0-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So voted by a virtually unanimous vote, certainly well in excess of the 2/3rds, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

**Article 26 – Protective (Zoning) Bylaw Amendment;
Flexible Development Overlay Districts (FDOD) Waiver Removal**

~~Strikethrough~~ indicates language proposed for deletion
Underline indicates language proposed for inclusion
Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to delete the existing provision in the Flexible Development District regulation which allows the Planning Board as Special Permit Granting Authority to waive or modify dimensional requirements with the Flexible Development Overlay Districts as follows:

Amend **Section IV, Overlay Regulations**; Subsection **D. Flexible Development District**, by amending subsection 2.b. by deleting the second sentence of that paragraph as follows:

2. Procedure

b. The plans for a Flexible Development shall comply with the specific requirements ***for multi-family dwellings, independent living facilities or congregate living facilities***, whichever applicable, set forth in Section VII of this Bylaw. ~~The Board may waive or modify these dimensional requirements if it is found that such waiver or modification will not substantially derogate from the purpose and intent of this Bylaw and that such waiver or modification may be granted without substantial detriment to the neighborhood or overall public good.~~

(Planning Board)

MOTION: Peter Cocolis, Chairman, Planning Board, moved that the Town vote to amend its Protective (Zoning) Bylaw as printed in the Warrant for Article 26.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-0
Planning Board Recommendation: Approve 4-0-0
Vote Required: Two-Thirds Majority

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 28 - Protective (Zoning) Bylaw Amendment;
Fish Pier Zoning District Changes to Extend Municipal District Replacing R-40

~~Strikethrough~~ indicates language proposed for deletion.

Underline indicates language proposed for inclusion.

Bold Italicized Words are defined in the existing Bylaw.

To see if the Town will vote to amend its existing Protective (Zoning) map by rezoning a 11,196 square foot area of land consisting of a portion of two parcels located at 390 and 400 Shore Road, also identified as lots E9 and E10 on Assessor's Map 16F, from the R-40 Zone to the Municipal Zone, all as depicted on a plan entitled "Zoning Sketch", dated 02-01-16 and drawn by Eldredge Surveying & Engineering, LLC, said plan being both included in this Town Meeting warrant and on file with the Town Clerk.

Or take any action in relation thereto.

(Board of Selectmen)

MOTION: Timothy L. Roper, Board of Selectmen, moved that the Town vote to amend its zoning map by rezoning a 11,196 square foot area of land consisting of a portion of two parcels located at 390 and 400 Shore Road, also identified as lots E9 and E10 on Assessor's Map 16F, from the R-40 Zone to the Municipal Zone, all as depicted on a plan entitled "Zoning Sketch", dated 02-01-16 and drawn by Eldredge Surveying & Engineering, LLC, said plan being both included in this Town Meeting warrant and on file with the Town Clerk.

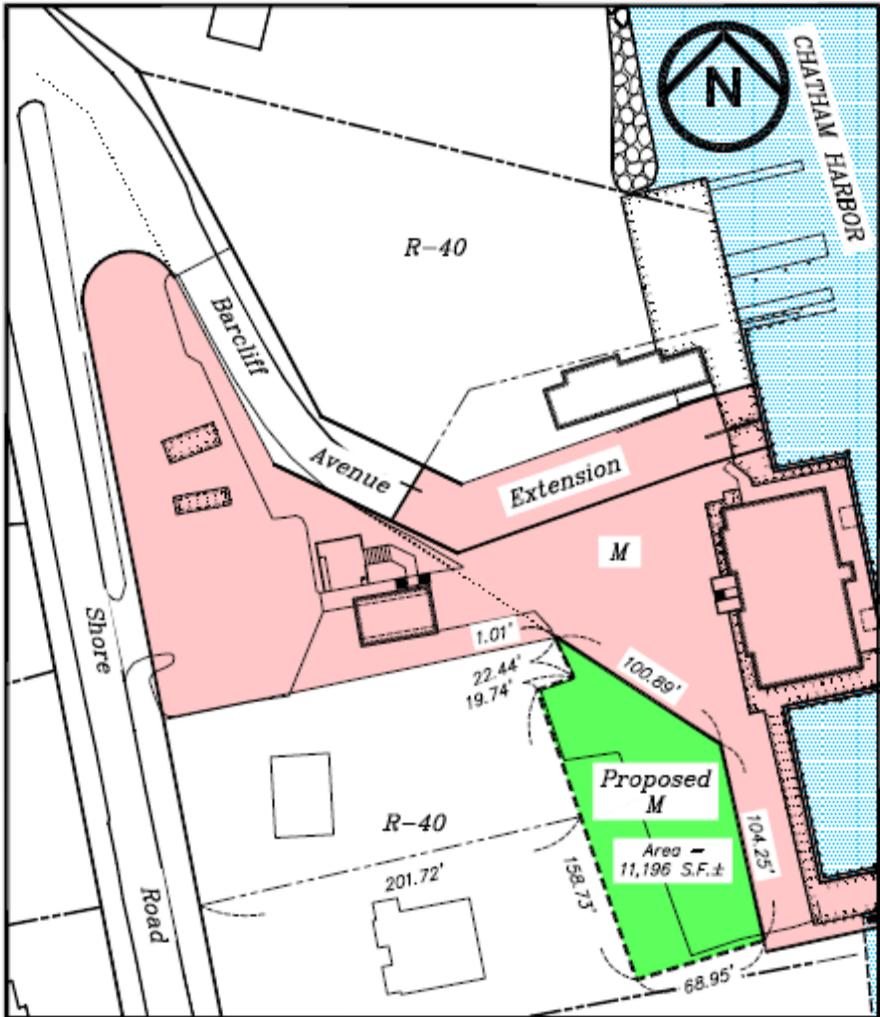
Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 6-0-0

Planning Board Recommendation: Approve 4-0-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So voted unanimously.



TOWN OF CHATHAM		ZONING SKETCH		Date: 02-01-2018
		Chatham Fish Pier, Chatham, Massachusetts		Scale: 1" = 60'
ELDREDGE SURVEYING & ENGINEERING, LLC 1038 Main Street, Chatham, MA 02633 (508) 945-3985; Fax: (508) 945-5885	#	Description of Revision	Date	Project No.: C-2000-96.0
				Sheet No.: 1 of 1



Town of Chatham

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549 Main Street
Chatham, MA 02633



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

**Article 29 – Protective (Zoning) Bylaw Amendment;
Conservancy and Flood Plain Overlay District Prohibited Uses**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend the Flood Plain District Overlay and the Conservancy District Overlay by amending its Protective (Zoning) Bylaw as follows:

Amend **Section IV.B.1. Purpose, Flood Plain District** of the Protective (Zoning) Bylaw with the following language:

The purposes of the Flood Plain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of ~~periodic flooding~~ flood and tidal waters, preserve the natural flood control characteristics and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.

Amend **Section IV.B.2, Flood Plain District** of the Protective (Zoning) Bylaw to add the following language:

- b. “BASE FLOOD ELEVATION” is the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps and on flood profiles. The BFE is the regulatory requirement for the elevation of structures.
- d. “ELEVATION CERTIFICATE” is the Town of Chatham’s official record that provides elevation information for substantial improvements in all identified Special Flood Hazard Areas (SFHA). Elevation Certificates are used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the insurance premium rate, and to

support a request for a Letter of Map Amendment (LOMA) from FEMA. Elevation Certificates are signed and stamped by a registered land surveyor, engineer, or architect.

- e. “FREEBOARD” is a term used to describe a factor of safety expressed in feet above the 1-percent-annual-chance flood level.
- h. “SUBSTANTIAL IMPROVEMENT” means repair, construction or alterations costing fifty (50) percent or more of the market value of the [structure](#) before improvement, or, if damaged, before damage occurred, or in the case of a foundation, work that impacts fifty (50) percent or greater of the perimeter of the foundation. (5/11/93 ATM)

Amend **Section IV.B.4, Development Regulations, Flood Plain District** of the Protective (Zoning) Bylaw to remove the following language that is duplicative and/or inconsistent with State Building Code:

- ~~a. All development in the district including structural and non-structural activities whether permitted by right or by Special Permit must be in compliance with the following:
 - ~~1. Chapter 131, Section 40 of the Massachusetts General Laws. (See Wetlands Protection, 310 CMR 10.00, Department of Environmental Quality Engineering)~~
 - ~~2. The State Environmental Code Title V, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Quality Engineering~~
 - ~~3. The Flood Resistant Construction requirements of the Massachusetts State Building Code. (5/11/98 ATM)~~~~
- ~~c. Where [flood](#) proofing is utilized a registered engineer or architect shall certify that the [flood](#) proofing methods are adequate to withstand the [flood](#) depths, pressures, velocities, impact and uplift forces and other factors associated with the [base flood](#).~~
- ~~d. In unnumbered A zones, in the absence of Federal Emergency Management Agency base flood elevation data, the [base flood](#) elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing [base flood](#) elevation data from federal, state or other sources.~~
- ~~e. Electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
- ~~f. For all [new construction](#) and [substantial improvements](#), fully enclosed areas below the [lowest floor](#) that are subject to flooding shall be designed to automatically equalize hydrostatic [flood](#) forces on exterior walls by allowing for the entry and exit of [flood](#)~~

~~waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~

~~g. In all new construction and substantial improvements within Zone VE the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:~~

- ~~1. breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and~~
- ~~2. the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one (1) percent chance of being equaled or exceeded in any given year (one hundred (100) year mean recurrence interval). Such enclosed space shall be usable solely for parking of vehicles, building access or storage.~~

~~i. New or replacement water and/or sewer systems shall be designed to avoid impairment to them or contamination from them during flooding.~~

~~j. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning Bylaw it shall be reviewed to assure that:~~

- ~~1. the proposal is designed consistent with the need to minimize flood damage,~~
- ~~2. all public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage,~~
- ~~3. adequate drainage systems shall be provided to reduce exposure to flood hazards, and~~

~~4. base flood elevation (the level of the 100-year flood) data shall be provided for proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Flood Plain District.~~

~~k. In Zone 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.~~

Amend **Section IV.B.4, Development Regulations, Flood Plain District** of the Protective (Zoning) Bylaw to add the following language:

~~b.a.~~ b.a. New construction or substantial improvement of residential structures shall have the lowest floor (including basement) elevated to not less than one (1) foot above the base flood elevation. New construction or substantial improvement of nonresidential structures shall either be similarly elevated or together with attendant utility and sanitary facilities be flood proofed to not less than base flood elevations. Incremental improvements shall be considered substantial improvements if within a five-year (5) period, they cumulatively meet the definition of "substantial improvement." (5/11/93 ATM)

~~h.b.~~ h.b. No land within areas designated as V (Velocity) zones of the FIRM maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any manmade alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited. Incremental improvements shall be considered substantial improvements (see definitions) if within a five-year period, they cumulatively meet the definition of "substantial improvement." (5/11/93 ATM)

c. All **development** in the district, including structural and non-structural activities whether permitted by right or by Special Permit, and as allowed by Section IV.A.2 of the Protective Bylaw, must be in compliance with Flood Resistant Design and Construction requirements of the MA State Building Code.

d. Landscape material up to two feet in depth at the foundation and tapered to meet grade within ten feet (10) of the foundation shall not be calculated towards grade plane and shall not be considered fill as regulated in Section IV.A.4 of this Bylaw.

e. Demolition debris shall be removed from the site within fourteen (14) days of completion and not stored within a resource area or a buffer strip. If a dumpster is used to contain the debris, the dumpster will be covered. The debris will be properly disposed of in accordance with applicable federal,

state, and local regulations.

- f. Construction material and excavation materials will be stored completely outside of the Flood Plain District when possible based on the boundaries of the parcel and the boundaries of the designated.
- g. Exposed, disturbed, or erodible soils will be protected to minimize erosion, sedimentation, pollution, and damage to the subject and adjacent properties.

Amend **Section IV.B.5, Flood Plain District** of the Protective (Zoning) Bylaw to include a new section with the following language:

5. Prohibited Uses

The following uses and activities are prohibited in the VE Zone.

- a. Addition, alteration or reconstruction of an existing structure that results in an increase in building footprint.
- b. Repair of a substantially damaged existing structure which results in an increase in building footprint.
- c. Any increase in impervious surface on a residential lot. This may include, but is not limited to, swimming pools, tennis/basketball courts and retaining walls. For functionally dependent projects allowed in the VE Zone, impervious surfaces accessory to the use are allowed provided a Massachusetts registered civil engineer certifies in writing that the impervious surface will not cause an increase in wave run-up, a deflection or channelization of flood waters, or an increase in the velocity of flow.

Amend **Section IV.B.5, Administration, Flood Plain District** of the Protective (Zoning) Bylaw to remove the following language:

~~c. Zoning Board of Appeals~~

- ~~1. The Board of Appeals may grant a variance from these requirements only upon:~~
 - ~~a. a showing of good and sufficient cause, and~~
 - ~~b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and~~
 - ~~c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, and~~

~~d. a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~2. A variance shall not be issued within any designated regulatory flood way if any increase in flood levels during the base flood discharge would result.~~

~~3. If a variance is granted, the Board of Appeals shall notify the applicant in writing over their signature that:~~

~~a. the issuance of such variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty five (25) dollars for one hundred (100) dollars of insurance coverage, and~~

~~b. such construction below the base flood level increases risks to life and property.~~

~~4. The Board of Appeals will maintain a record of all variance actions, including justification for their issuance and report such variances issued in the Annual Report submitted to the Federal Insurance Administration.~~

~~5. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or on State Inventory of Historic Places, without regard to the procedures set forth above.~~

~~6. Variances for functionally dependent uses will be considered for those docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building repair facilities, but does not include long term storage or related manufacturing facilities.~~

Amend and rename **Section IV.B.5, Administration, Flood Plain District** of the Protective (Zoning) Bylaw to:

5. 6. Administration

Amend **Section IV.A.2. Permitted Uses, Conservancy District** of the Protective (Zoning) Bylaw to strike and add the following language:

~~d. The maintenance to minimum legal and practical width and height of all roads and driveways that exist as of July 1, 2007.~~

d. The maintenance of legally permitted fences and driveways that exist as of July 16, 2014.

Amend **Section IV.A.4. Prohibited Uses, Conservancy District** of the Protective (Zoning) Bylaw to add the following language:

- a. No person shall fill, place or dump in a Conservancy District any soil, loam, peat, sand, gravel, rock or other material substance, refuse, trash, rubbish, debris or dredged material, except, with the exception of landscaping material as allowed under Section IV.B.4 of this Bylaw.
- d. No person shall construct a new residential **dwelling unit**, or use a houseboat or barge designed or used as a **dwelling unit** in the Conservancy District.
- e. No person shall construct any new **building** (except as allowed with a marina or boatyard under Section IV.A.3.b of this Bylaw) in ~~Zones V and V1-30~~ a VE Zone, as defined on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham, dated ~~June 20, 1998~~ July 16, 2014.
~~(5/11/98 ATM)~~

(Planning Board)

MOTION: Peter Cocolis, Chairman, Planning Board, moved that the Town vote to amend its Protective (Zoning) Bylaw as printed in the Warrant for Article 29.

Board of Selectmen Recommendation: Approve 4-1-0
Finance Committee Recommendation: Approve 6-0-0
Planning Board Recommendation: Approve 4-0-0
Vote Required: *Two-Thirds Majority*

VOTE: Voice. So voted by more than the requisite 2/3rds majority, declared the Moderator.



Town of Chatham

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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

**Article 30 – Protective (Zoning) Bylaw Amendment;
Conservancy District Boundary and Height Changes**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend the Conservancy District Overlay by amending its Protective (Zoning) Bylaw as follows:

Amend **Section IV.A.5. Location, Conservancy District** of the Protective (Zoning) Bylaw to add the following language:

1. Areas delineated as the 100-year flood plain (Zones ~~A, AO, AH, A1-30, A99, V and V1-30~~ A, AE, AO, VE and X) on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham dated ~~June 20, 1998~~ July 16, 2014. (5/12/14 ATM)

Amend **Section IV.A.3. Special Permit Uses, Conservancy District** of the Protective (Zoning) Bylaw to amend and add the following language:

- a. The construction of catwalks, piers (per requirements of Section IV.A.6.c), ramps, stairs, unpaved trails, boathouses, boat shelters, roadside stands, fences, wildlife management shelters, foot bridges, observation decks or shelters, tennis courts, and structures used in conjunction with a fishing use. Such Sstructures shall conform to the street setback and abutters setback for the district in which the lot is located, and shall be constructed so as to permit the reasonably unobstructed flow of water and preserve the natural contour of the area-Structures and shall not exceed twenty (20) feet in height. ~~Provided there is no expansion, those dwellings which existed prior to January 16, 1992 and are required by the Building Inspector to be elevated in accordance with FEMA~~

~~Regulations, shall not be required to conform to the twenty (20) foot height restriction. (5/11/92 ATM).~~

~~* See specific requirements of Section IV. A.6.c. below.~~

- b. Dwellings located within the 100-year flood plain on the effective Flood Insurance Rate Maps for the Town of Chatham may elevate to meet Base Flood Elevation (BFE) requirements. An Elevation Certificate prepared by a licensed professional is required to determine BFE. The maximum allowable height of the elevated structure may only exceed the existing ridge height, as measured from the top of the existing foundation, by the minimum height necessary to meet BFE and freeboard requirements of the State Building Code. No dwelling shall exceed thirty (30') feet in height, as measured from the lowest adjacent grade determined by the Elevation Certificate.

(Planning Board)

MOTION: Peter Cocolis, Chairman, Planning Board, moved that the Town vote to amend its Protective (zoning) Bylaw as printed in the Warrant for Article30 with the exception that the words "and X" shall be deleted from the amendment of Section IV.A.5 paragraph 1.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 6-0-0

Planning Board Recommendation: Approve 4-0-0

Vote Required: Two-Thirds Majority

VOTE: Voice. In my opinion, more than the requisite 2/3rds have it, declared the Moderator.

After a request for a hand count:

YES: 278

NO: 56

That is more than the requisite 2/3rds majority; the article passes, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 31 – Protective (Zoning) Bylaw Amendment; Nonconforming Lots, Buildings & Uses

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend the Nonconforming Lots, Buildings & Uses section of its Protective (Zoning) Bylaw as follows:

Amend **Section V.B. Nonconforming Lots, Buildings & Uses - Enlargement, Extension or Change** of the Protective (Zoning) Bylaw to add the following language:

12. For those dwellings located in the flood plain, as defined on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham, dated July 16, 2014, the following additional criteria shall apply:
 - a. The extent of lateral expansion proposed, and
 - b. The extent to which lateral expansion impacts the impervious area of the site.

(Planning Board)

MOTION: Peter Cocolis, Chairman, Planning Board, moved that the Town vote to amend its Protective (Zoning) Bylaw as printed in the Warrant for Article 31.

Board of Selectmen Recommendation: Approve 4-1-0
Finance Committee Recommendation: Approve 6-0-0
Planning Board Recommendation: Approve 5-0-0
Vote Required: Two-Thirds Majority

VOTE: Voice. So voted by more than the requisite 2/3rds majority, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 32 - Town of Chatham Rules and Regulations of the Sewer Department

To see if the Town will vote to amend the "Town of Chatham Rules and Regulations of the Sewer Department" adopted under Article 57 of the March 15, 1972 Annual Town Meeting and revised under Article 33 of the May 11, 2004, Annual Town Meeting, Article 21 of the May 9, 2005, Annual Town Meeting, Article 35 of the May 12, 2008, Annual Town Meeting, Article 9 of the August 27, 2012 Special Town Meeting, Article 3 of the October 7, 2013 Special Town Meeting, and Articles 29 & 42 of the May 12, 2014 Annual Town Meeting as follows:

~~Strikethrough~~ indicates language proposed for deletion.

Underline indicates language proposed for inclusion.

Note – only those Articles/Sections of the Regulations being revised are shown.

ARTICLE II REGULATION OF SEWER FLOW

Section 1. Existing Structures.

Any structure in existence on May 10, 2005, regardless of its flow, may maintain that flow. No person shall modify an existing structure or change its use so as to increase its sewage flow, except as permitted herein. Title 5 System Sewage Flow Design Criteria contained in 310 CMR 15.203, and any Board of Health Regulation modifying such, shall be used to determine whether a proposed modification or change in use shall constitute an increase in sewage flow. Expansion or modification of existing structures, which may result in increased flow, shall not be allowed unless the increase is in compliance with the Board of Health Regulations in effect on ~~May 10, 2005~~ May 11, 2006; or additional flow is approved under Section 4 hereof, Expansion; or a variance pursuant to Section 5 9 hereof is first obtained. Any approved increase in flow is subject to the time limitations of Section 7; ~~except as currently allowed under Part #1 of the Town of Chatham "Sewer Bank" Allocation & Permit Policy for properties connected to the sewer as of May 10, 2005.~~

Section 2. Determination of Present Sewage Flow.

Sewage flow to the municipal sewer shall be ~~determined~~ calculated using provisions set forth in 310 CMR 15.203: Title 5 System Sewage Flow Design Criteria, and any local Board of Health Regulation modifying such in effect on ~~May 10, 2005~~ May 11, 2006. The owner of any property shall, upon reasonable notice and request, allow an inspection of a property for a determination of flow by an agent of the Board of Health, except that in lieu of this inspection, the owner of the property may submit a floor plan with sufficient detail to account for all outside structure dimensions. This floor plan must bear the signature of approval of a Certified Septic System Inspector.

Section 3. Undeveloped Parcels.

For the purpose of determining sewer flow, any existing lot, otherwise qualified, may be permitted for that sewage flow as determined under the Board of Health Regulations in effect on ~~May 10, 2005~~ May 11, 2006, or 310 CMR 15.000 et seq., whichever flow is less.

Section 4. Expansion.

A. Single Family Residential Properties.

Consistent with the Board of Health Interim Nitrogen Loading Regulation revised on May 11, 2006 which allows for the possible addition of one (1) bedroom, above that otherwise allowed, with the use of a nitrogen reducing Innovative/Alternative Technology septic system, one (1) additional bedroom (the flow equivalent of 110 gpd) may be allowed for single-family residential properties connected to, or scheduled to be connected to the sewer within two (2) years, subject to the following:

1. Properties that have already been approved for the additional bedroom under a Board of Health variance or sewer application are not eligible under this Section 4A.
2. Requests under this Section 4A must be made in writing, including floor plans showing existing and proposed conditions to verify and confirm the number of allowed bedrooms, to the DPW Director for review and approval, such approval to be granted upon determination of compliance with the Rules and Regulations of the Sewer Department.
3. All necessary local approvals for addition of said bedroom, as applicable, have been issued.
4. Single Family residential properties granted flow under this Section may be granted additional flow under a Hardship Variance, Section 9.

B. Non Single Family Residential Properties.

Requests for an increase in sewage flow for other than single family residential properties (4A above), including but not limited to, commercial, industrial, mixed-use, multi-family, or institutional properties shall be made in writing to the Water and Sewer Commissioners for determination. Such request shall include floor plans showing existing and proposed conditions. Such requests may be granted contingent upon determination of compliance with the Rules and Regulations of the Sewer Department and parity with septic system flow.

1. Requests under this Section shall be submitted in writing, including all the documentation cited above, to the Water and Sewer Advisory Committee for review during a posted public meeting, followed by a recommendation to the Water and Sewer Commissioners, who shall thereafter hold a public hearing on the request.
2. The hearing of the Water and Sewer Commissioners shall commence within 45 days of the date that the request is submitted and a decision thereon shall be issued within 14 days from the close of the public hearing.
3. All other necessary local approvals as applicable have been issued.

Section 5. Changes in Sewage Flow.

- A. Changes in the calculated Title 5 System Sewage Flow Design Criteria flow associated with an individual existing connection that do not result in any increase in sewage flow to the sewer system are permitted with the approval, without waiver, of the appropriate Town Departments, Boards, Committees, and/or Commissions. The request shall be made in writing to the DPW Director indicating existing use(s) and flow(s) and proposed use(s) and flow(s).
- B. Should a change in Title 5 System Sewage Flow Design Criteria flow result in a decrease in the sewage flow needs for the property, the owner may elect to return unused flow to the Town, subject to applicable provisions of law. Following a review, by Town staff and owner, of the historic and current flow and agreement between Town staff and owner on the amount of unused flow, the property owner may, by affidavit, return the unused flow to the Town. Such affidavit shall indicate the owner is willingly returning the unused flow and recognizes the limitations this may place on future land uses or expansion of existing land uses on the property. Such unused flow returned to the Town is subject to further use by the Town at its discretion. A property owner who returns unused flow to the Town accrues no advantages if future land use or expansion of existing land uses on the property or other

property(s) is desired. The property owner shall submit an application subject to all provisions of this Article II.

Section 6. Sewage Flow Transfers.

Transfer of Title 5 System Sewage Flow Design Criteria flow from one property to another property is prohibited.

Section 7. Time Limitation.

If an approved sewage flow increase is not actually used within two (2) years from the date the flow increase was approved, the sewage flow increase shall revert to the Town automatically unless, upon application from the applicant submitted in writing to the DPW Director prior to such two (2) year date, the Water and Sewer Commissioners grant an extension of time for good cause shown prior to the two (2) year period from the approval. Good cause may include but shall not be limited to a demonstration that pursuit of other regulatory permits has caused delays; or that other practical barriers to completing construction have caused unforeseen delays. The burden of proof shall be on the applicant and the matter shall be reviewed by the Water and Sewer Commissioners at a posted public meeting. An applicant shall be allowed no more than one extension of time for a period not to exceed one year.

Section 8. Rebuilding because of fire, flood, storm or other acts of nature.

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right provided that the new structure does not exceed the sewage flow of the structure being replaced.

Section 9. Hardship Variance.

A. General Procedure

All applications for a hardship variance as set forth below shall be submitted in writing to the Water and Sewer Advisory Committee for review during a posted public meeting, followed by a recommendation to the Water and Sewer Commissioners, who shall thereafter hold a public hearing on the application. Each application shall include a list prepared by the applicant and certified by the Assessors of the Town naming all abutters to the subject property. Such abutters and parties in interest shall be notified of the hearing, by certified or registered mail, no less than two weeks prior to the hearing.

B. Hardship Variance

In the case of unusual and substantial hardship, established by a preponderance of the evidence, which must be substantiated by the applicant, not the result of acts or

omissions of the landowner, ~~the Board of~~ the Water and Sewer Commissioners, after a public hearing, as aforesaid, may grant a variance to this ~~part of the~~ regulation, in whole or in part, provided that sufficient capacity exists and such relief may be granted without substantially derogating from the intent or purpose of this regulation.

Section 10. Appeals.

Any person aggrieved by the final decision of the Water and Sewer Commissioners under these regulations shall have standing to seek relief by way of a petition of certiorari under MGL Chapter 249 §4.

Section 11. Town of Chatham Sewer Bank Allocation and Permit Policy.

The Water and Sewer Commissioners may from time to time adopt policies, procedures, and protocols not inconsistent with these regulations.

Or take any other action in relation thereto.

(Board of Selectmen as Water and Sewer Commissioners)

MOTION: Cory J. Metters, Board of Selectmen, moved that the Town vote to amend the “Town of Chatham Rules and Regulations of the Sewer Department” adopted under Article 57 of the March 15, 1972 Annual Town Meeting and subsequently amended in 2004, 2005, 2008, 2012, 2013, and 2014 as printed in the Warrant for Article 32.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 4-3-0

VOTE: Voice. In my opinion, it is clearly a majority. With no request for a count, the Moderator declared “Article 32 is voted by a majority vote.”



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 34 – FY2017 Community Preservation Committee Administrative Budget

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of funding administrative costs associated with the Community Preservation Act, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Deborah Aikman, Chairman Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$15,000 from FY 2017 Community Preservation Fund Revenues for the purpose of funding administrative costs associated with the Community Preservation Act.

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 35 - FY2017 Community Preservation Fund Appropriations

To see if the Town will vote to appropriate from the Community Preservation Fund to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2017 Budgeted Reserve for general Community Preservation Act purposes, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Deborah Aikman, Chairman Community Preservation Committee, moved that the Town appropriate and reserve from Fiscal Year 2017 Community Preservation Fund estimated annual revenue the following sums for each respective purpose:

<u>Reserve:</u>	
Open Space	\$100,000
Historic Resources	\$100,000
Community Housing	<u>\$100,000</u>
Total Reserves	\$300,000

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 36 – Community Preservation – Affordable Housing Voucher Program

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to provide funds for the Chatham Resident Voucher Program, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Alan Mowry, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$150,000 with \$100,000 to be transferred from Affordable Housing Reserves and \$50,000 from FY 2017 Community Preservation Fund revenues, in order to fund the Affordable Housing Voucher Program.

Community Preservation Committee Recommendation: Approve 4-3-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-1-0

VOTE: Voice. So voted unanimously.



Town of Chatham

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Fax: (508) 945-0752
www.chatham-ma.gov

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 37 – Community Preservation – Affordable Housing Trust Fund

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the Affordable Housing Trust Fund, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Victor DiCristina, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$200,000 from FY2017 Community Preservation Fund Revenues to the Affordable Housing Trust Fund.

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-1-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 38 – Community Preservation – Habitat For Humanity

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to supplement funds for the construction of Community Housing at 1556 Main Street in West Chatham by Habitat for Humanity, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Richard Stenberg, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$23,919 from FY2017 Community Preservation Revenues in order to provide funds to Habitat for Humanity for the continued construction of four affordable units at 1556 Main Street in West Chatham.

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 39 – Community Preservation – HECH HELP Program

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to provide the Harwich Ecumenical Council for the Homeless (HECH) with funding for a Housing Emergency Loan Program (HELP) for Chatham residents, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Alan Mowry, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$112,000 from FY2017 Community Preservation Revenues for the Housing Emergency Loan Program (HELP) administered by Harwich Ecumenical Council for the Homeless (HECH).

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-1-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 40 – Community Preservation – Mayo House Exterior Restoration

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the exterior restoration at the Mayo House at 540 Main Street; or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Deborah Aikman, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$83,166 from Historic Preservation Reserves in order to fund the historic restoration of the exterior of the Mayo House at 540 Main Street.

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-2

VOTE: So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 41 – Community Preservation – First Methodist Church Exterior

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to provide funds to restore and preserve the historical exterior features at the First Methodist Church, located at the corner of Main and Cross Streets, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Deborah Aikman, Chairman Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$226,000 from FY2017 Community Preservation Fund revenues in order to fund the restoration and preservation of the exterior of the First Methodist Church.

Community Preservation Committee Recommendation:	Approve 9-0-0
Board of Selectmen Recommendation:	Disapprove 1-3-1
Finance Committee Recommendation:	Disapprove 2-5-2

VOTE: Voice. In my opinion, a majority has voted in favor, I will declare the article has passed, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 42 – Community Preservation – Caleb Nickerson 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 provide funds to exterior restoration at the Caleb Nickerson House, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Deborah Aikman, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$25,000, with \$16,834 to be transferred from Historic Preservation Reserves, and \$8,166 from FY2017 Community Preservation Fund revenues in order to fund the restoration and preservation of the exterior features of the Caleb Nickerson House.

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 43 – Community Preservation – St Martin’s (Masonic) Lodge - Roof

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to provide funds to restore the roof on the historic building known as St. Martin’s Lodge on Old Harbor Road, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Robert Dubis, Community Preservation Committee, moved that the Town vote to appropriate and transfer from \$23,000 from FY2017 Community Preservation Fund revenues in order to fund the restoration of the roof at the Masonic Lodge (St. Martin’s Lodge) on Old Harbor Road.

Community Preservation Committee Recommendation:	Approve 8-1-0
Board of Selectmen Recommendation:	Disapprove 2-3-0
Finance Committee Recommendation:	Disapprove 0-8-1

VOTE: Voice. So voted by more than the required majority, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 44 – Community Preservation – South Chatham Playground

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for improvements to the South Chatham Playground located off Bobbie's Lane, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Ira Seldin, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$6,000 from FY2017 Community Preservation Fund Revenues in order to fund design and engineering costs to provide a site plan for improvements to the South Chatham Playground located off Bobbie's Lane.

Community Preservation Committee Recommendation: Approve 5-2-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 45 – Community Preservation – Golf Course Improvements

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund improvements at Seaside Links Golf Course, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Ira Seldin, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$35,000 from Community Preservation Undesignated Fund Balance to fund expansion of the irrigation system, installation of natural turf tee boxes and new tees at the Seaside Links Golf Course.

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 8-1-0

VOTE: Voice. So voted by a very substantial majority, declared the Moderator.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 46 – Community Preservation – Sylvan Gardens ADA Access Trail

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to install a path with handicap access to the Town-owned Rolf E. Sylvan Gardens Conservation area located off Old Main Street, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Michael Tompsett, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$65,600 from FY 2017 Community Preservation Revenues for construction of a walking path and parking improvements at the Town-owned Rolf E. Sylvan Gardens Conservation area located off Old Main Street.

Community Preservation Committee Recommendation: Approve 9-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 47 – General Bylaw Amendment; Chapter 158 Historic Preservation

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend Chapter 158-2 Historic Preservation of the Town of Chatham General Bylaws as follows:

To amend the Definition of ***Demolition*** as follows:

Means the act of pulling down, destroying, removing, or razing a ***Building or Structure***, in whole or in part (including the ***Demolition*** of exterior walls or roof), so as to cause the loss of Historically Significant Materials, or commencing such work with the intent of completing the same, ~~all as determined by the Building Commissioner; including the removal of Historically Significant Materials in connection with an addition;~~ provided, however, that the term "***Demolition***" shall not include the ordinary maintenance or repair ~~or an addition~~ to any building or structure."

And to also amend Section 158-2 by adding the following definition:

Historical Significant Materials means exterior or structural materials more than 75 years old and which has been determined by the ***Commission*** to meet one or more of the three conditions (A or B or C) set forth in Section 158-2. Definitions, under "***Historically Significant Building or Structure***".

(Historical Commission)

MOTION: Seth T. Taylor, Board of Selectmen, moved that the Town vote to amend its General Bylaw as printed in the Warrant for Article 47.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 49 - Perpetual Conservation Restrictions

To see if the Town will vote to grant perpetual conservation restrictions for the below identified property as authorized under MGL Ch.184, § 31-33, to be held by a land trust, qualified conservation organization or appropriate state agency, and to place the land under the care, custody and control of the Conservation Commission pursuant to MGL Ch. 40, § 8C, or take any other action in relation thereto.

Assessors Map 3E-67-E7
Assessors Map TBD

Lot 7 Twine Field
Lot 6 (Habitat for Humanity, Main St.)

(Conservation Commission)

MOTION: Jeffrey S. Dykens, Chairman, Board of Selectmen, moved that the Town vote to grant perpetual conservation restrictions for the properties, as identified in the warrant, as authorized under MGL Chapter 184, Sections 31-33, to be held by a land trust, qualified conservation organization or appropriate state agency, and to place the land under the care, custody and control of the Conservation Commission pursuant to MGL Chapter 40, Section 8C.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Disapprove 2-4-0

VOTE: Voice. So voted unanimously.



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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 50 – Easement to Eversource (NSTAR)

To see if the Town will vote to authorize the Board of Selectmen to grant to Eversource (NSTAR) Electric Company, 800 Boylston Street, Boston, MA 02119, its successors, assigns, and licensees, herein referred to as the Grantee the right and easements (as more particularly described below) for underground lines for distribution of electricity, and lines for control, relay and communication purposes over, across, upon and under a certain parcel of land (the “Premise” as more particularly described in the Deed filed in the Barnstable County Registry of Deeds in Book 667, page 47) owned by the Grantor located at 135 Depot Road in Chatham, Massachusetts which is approximately shown on a sketch labeled Exhibit A, and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Timothy L. Roper, Board of Selectmen, moved that the Town vote to authorize the Board of Selectmen to grant Eversource (NSTAR) Electric Company, 800 Boylston Street, Boston, MA 02119, its successors, assigns, and licensees, herein referred to as the Grantee the right and easements (as more particularly described below) for underground lines for distribution of electricity, and lines for control, relay and communication purposes over, across, upon and under a certain parcel of land (the “Premise” as more particularly described in the Deed filed in the Barnstable County Registry of Deeds in Book 667, page 47) owned by the Grantor located at 135 Depot Road in Chatham, Massachusetts which is approximately shown on a sketch labeled Exhibit A, and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

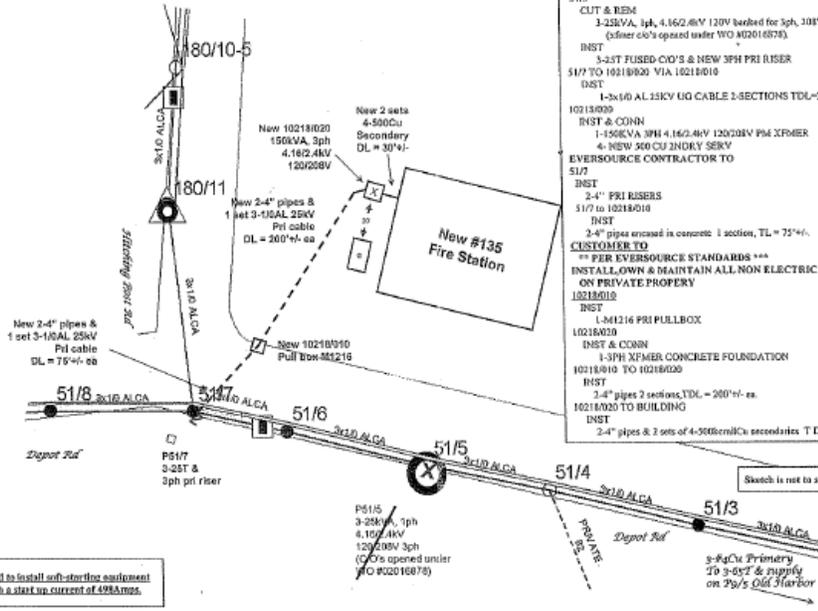
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 5-0-0
Vote Required: Two-Thirds Majority

VOTE: Voice. So voted unanimously.

**** Prior to excavation ****
 Cust/Elect & or Eversource Contractor
 Contact Construction Inspector: Gerry Carlson 339-987-7758

WO 002077019
 Engineering Details
 Circuit 4-93B-940, 4.16kV

Exhibit A



Verticals To
 51/7
 REPL: 40' CL2 1983 JO
 INST: 45' CL1 JO
 EVERSOURCE TO
 51/5
 CUT & REM
 1-25kVA, 3ph, 4.16kV 120V banked for 3ph, 208V xfrmr. & all associated equipment
 (xfrmr c/o's opened under WO #02016078)
 INST
 3-3BT FUSED-CIO'S & NEW 3PH PRI RISER
 51/7 TO 10218/020 VIA 10218/010
 DIST
 1-3x10 AL 15KV UG CABLE 2-SECTIONS TDL=275'+/-
 10218/020
 INST & CONN
 1-150kVA 3PH 4.16kV 120/208V P48 XFMR
 4- NEW 300 CU 2NDRY SERV
 EVERSOURCE CONTRACTOR TO
 51/7
 INST
 2-4" PRI RISERS
 51/7 to 10218/010
 INST
 2-4" pipes encased in concrete 1 section, TL = 75'+/-
 CUSTOMER TO
 ** PER EVERSOURCE STANDARDS **
 INSTALL, OWN & MAINTAIN ALL NON ELECTRIC, PULLBOXES, 3 PH FOUNDATION & CONDUIT
 ON PRIVATE PROPERTY
 10218/010
 INST
 1-361216 PRI PULLBOX
 10218/010
 INST & CONN
 1-3PH XFMR CONCRETE FOUNDATION
 10218/010 TO 10218/020
 INST
 3-4" pipes 2 sections, TDL = 200'+/- ea.
 10218/020 TO BUILDING
 INST
 2-4" pipes & 2 sets of 4-300kcmilCu secondaries T DL = 30'+/-

Note: Customer will be required to install soft-starting equipment for the largest 30hp motor with a start up current of 498Amps.

Sketch is not to scale. 10218 URD Eversource

Town of Chatham Fire Department
 135 Depot Rd, Chatham
 C. J. Kennedy Esqr
 06/29/15
 N. Lomuscio
 6/30/15
 Page 1 of 1

1106parrish/wo/02077019.dwg



Town of Chatham

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I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 9, 2016 Annual Town Meeting:

Article 51 – Easement to Verizon; Depot Road

To see if the Town will vote to authorize the Board of Selectmen to grant, to Verizon New England Inc., 125 High Street, Oliver Tower, Floor 7, Boston, MA 02110 (herein called the “Grantee”), its successors and assigns, the non-exclusive and perpetual right and easement to, access, erect, construct, dig up, dredge, reconstruct, connect, install lay, operate, maintain, patrol, inspect, repair, replace, alter, extend or remove one or more lines for the transmission and/or distribution of telecommunications including the necessary poles, anchors, wires, cables, conduits, manholes, and associated surface closures, terminals, pedestals, fixtures, pads, foundations, appurtenances and other apparatus and equipment, deemed necessary for the purposes specified above, as the Grantee may from time to time desire along, upon, across, under and over a portion of land of which the Town is the sole owner as now laid out and shown on Barnstable County Registry of Deeds at Plan Book 667, Page 47, and which is approximately shown on the sketch labeled Exhibit B, and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Cory J. Metters, Board of Selectmen, moved that the Town vote to authorize the Board of Selectmen to grant, to Verizon New England Inc., 125 High Street, Oliver Tower, Floor 7, Boston, MA 02110 (herein called the “Grantee”), its successors and assigns, the non-exclusive and perpetual right and easement to, access, erect, construct, dig up, dredge, reconstruct, connect, install lay, operate, maintain, patrol, inspect, repair, replace, alter, extend or remove one or more lines for the transmission and/or distribution of telecommunications including the necessary poles, anchors, wires, cables, conduits, manholes, and associated surface closures, terminals, pedestals, fixtures, pads, foundations, appurtenances and other apparatus and equipment, deemed necessary for the purposes specified above, as the Grantee may from time to time desire along, upon, across, under and over a portion of land of which the Town is the sole owner as now laid out and shown on Barnstable County Registry of Deeds at Plan Book 667, Page 47, and which is approximately shown on the sketch labeled Exhibit B, and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 5-0-0

Vote Required: Two-Thirds Majority

VOTE: Voice. So voted, declared the Moderator.



EXHIBIT B

