

SPECIAL TOWN MEETING MINUTES

Monday, October 27, 2008

In accordance with the Warrant the Moderator opened the meeting at 7:50pm because of a huge number of voters attending (474). Motion to limit speakers to 5 minutes for articles passes by a voice vote. A moment of silence was given for Eleanor Hazen – election worker and school committee member; John Wallace – Personnel Board; Edward Simon – Finance Committee Member; Kenneth Granlund – Finance Committee member. Voted to waive the absence of a recommendation by the Bylaw Committee for all articles to be heard.

Motion to suspend the rules and take Articles 11 to 17 for Indefinitely Postponement passes by a voice vote.

ARTICLE 1: To see if the Town will vote to appropriate a sum of money to pay costs of the demolition of the vestry and rectory of the former Our Lady of Lourdes Catholic Church located at 335 Main Street (Map 14, Lot 173), as part of a master plan to revitalize the downtown and create additional public open space, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the General Laws (Proposition 2½).

BOARD OF SELECTMEN RECOMMENDS 5-0

FINANCE COMMITTEE RECOMMENDS 6-1

335 MAIN STREET COMMITTEE RECOMMENDS 6-0

Motion to Indefinitely Postpone loses.

2/3 voice vote that the sum of \$100,000 is hereby appropriated to pay costs of the demolition of the vestry and rectory of the former Our Lady of Lourdes Catholic Church located at 335 Main Street (Map 14, Lot 173), as part of a master plan to revitalize the downtown and create additional public open space, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the General Laws (Proposition 2 ½).

The overall budget for the project is as follows:

Design and Engineering	\$9,000
Bid Administration and Contract Award	\$4,500
Contract Administration and Oversight	\$4,500
Estimated Contract price	\$100,000
Total	\$118,000
Contingency	\$24,000
Total Project Cost	\$142,000
Contribution from Wellfleet Preservation Hall	(\$42,00)
Balance for borrowing	\$100,000

ARTICLE 2: To see if the Town will vote to appropriate a sum of money for the purpose of completing the first phase of the development of a new water supply well located at the former Boy Scout Camp (Map 23, Lot 603), and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the General Laws (Proposition 2½).

BOARD OF SELECTMEN RECOMMENDS 4-1
 FINANCE COMMITTEE RECOMMENDS 7-0
 BOARD OF HEALTH RECOMMENDS 3-0
 BOARD OF WATER COMMISSIONERS RECOMMENDS 3-0

2/3 voice vote that the sum of \$150,000 is hereby appropriated to pay costs of completing the first phase of the development of a new water supply well located at the former Boy Scout Camp (Map 23, Lot 603), and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the General Laws (Proposition 2 ½).

ARTICLE 3. To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money necessary to supplement the operating and/or capital budgets of the various Town departments for the current fiscal year 2008-2009.

Requests to date:

FROM	TO	AMOUNT
Encumbered	220 Fire Department, Salaries/Wages/Fringe	\$18,135.00
Free Cash	196 Town Administrator, Consultancy	\$20,000.00
Free Cash	441 Water Commissioners	\$20,000.00
		\$58,135.00

BOARD OF SELECTMEN RECOMMENDS 5-0
 FINANCE COMMITTEE DOES NOT RECOMMEND 8-0

Voice vote as read.

At this time the Moderator, Harry Terkanian steps down and the Town Clerk holds the election for a Temporary Moderator. Malcolm Bertram was nominated, seconded and duly elected.

ARTICLE 4: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, **SECTION V, USES**, by deleting "NSP" from 5.4.3 and adding **Section 5.4.3.1, Maximum Site Coverage in the National Seashore Park**, as follows:

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

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

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

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

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

(b) Calculation of Site Coverage: Within the NSP District Site Coverage shall be calculated by adding the Dwelling Space Area to the gross horizontal area of the floors of any detached structure(s) having a roof. The following shall be excluded from this calculation: attic space,

cellars and/or basement floor area not devoted to residential use, and any Shed. As indicated above, only the floor area in excess of 750 square feet of the aggregate floor area of the Exterior Spaces shall be included in the calculation of Dwelling Space Area.

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

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

(By Petition)

BOARD OF SELECTMEN RECOMMENDS 4-0
PLANNING BOARD DOES NOT RECOMMEND 4-1
BY-LAW COMMITTEE HAS NO RECOMMENDATION
CONSERVATION COMMISSION DECLINES RECOMMENDATION
NATURAL RESOURCES ADV. BOARD DECLINES RECOMMENDATION 3-0
ZONING BOARD OF APPEALS RECOMMENDS 7-0

Motion passes by a 2/3 show of voter cards to accept and adopt as printed in the Warrant except that in line three of the chart 5.4.3.1, “20,001”, be changed to “21,001”.

Planning Board report given.

Motion to accept Article 4 was withdrawn by the motioner.

Motion to hear Articles 4 and 5 together and Articles 6, 7 and 8 was withdrawn by motioner.

ARTICLE 5: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, **Section VI, GENERAL REGULATIONS**, by adding **Section 6.24, National Seashore Park District Special Permit** as follows:

6.24 National Seashore Park District Special Permit

6.24.1 PURPOSE OF NATIONAL SEASHORE PARK DISTRICT SPECIAL PERMIT

The purpose of the National Seashore Park District Special Permit is to review proposed structures and alterations to existing structures to ensure protection of the legitimate interests of the adjoining property owners; to encourage construction that is sensitive to the scale, size and massing of buildings; to protect continued public visual access to ponds, rivers, marshes, the ocean and the bay; to provide additional means of addressing environmental needs and concerns of the Town, and to recommend alternatives so that development or redevelopment minimizes the impact on abutting land, the neighborhoods and the community at large.

Further, the purpose of the National Seashore Park District Special Permit is to ensure that the National Seashore Park District Objectives found in Section 3.2 of this By-law, are adhered to and that the proposed building changes are not detrimental to these objectives; and are compatible with these objectives.

6.24.2 APPLICABILITY

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

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

6.24.3 STANDARDS AND CRITERIA

In addition to the standards and criteria listed in Section 8.4.2 of this By-law, the following criteria shall apply to properties within the National Seashore Park District that are subject to a Special Permit:

1. The landscape shall be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes and the removal of native vegetation and soil. Any grading or earth-moving shall be planned and executed in such a manner, and retain to the extent practicable final contours consistent with existing terrain both on and adjacent to the site.

2. Proposed buildings and foundations shall to the extent practicable, minimize alteration on steep slopes, flood plains, hilltops, dunes, coastal banks, scenic views and wetlands to preserve the integrity and scenic qualities of natural features whenever possible. Proposed developments shall take into account and, to the extent practicable, minimize obstruction of water views and other scenic views from publicly accessible locations.

3. Proposed developments shall preserve and protect unusual or rare natural and/or historical features. Development and redevelopment shall not interfere with legal access. Proposed developments should minimize obstruction of water views and other scenic views from publicly accessible locations. Electric, telephone, cable and other utility lines shall be installed underground unless the Board determines that the benefits to be achieved are outweighed by costs or other factors.

4. The protection of unusual or significant environmental resources including protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies is critical and shall be evaluated. All runoff shall be recharged on site based on a calculated 25-year storm. Storm water infiltration systems shall be designed so that run-off shall not be increased, groundwater recharge is maximized, pollution impacts are minimized and neighboring properties will not be adversely affected.

5. Lighting must be consistent with General Bylaws of the Town of Wellfleet. There shall be protection of adjacent properties and the night sky from intrusive lighting. Consideration should be given to the placement of decks and patios and their potential for noise pollution and its adverse impact on adjacent properties.

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

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

BOARD OF SELECTMEN RECOMMENDS 4-0
 PLANNING BOARD DOES NOT RECOMMEND 5-0
 BY-LAW COMMITTEE HAS NO RECOMMENDATION
 CONSERVATION COMMISSION DECLINES RECOMMENDATION
 NATURAL RESOURCES ADV. BOARD DECLINES RECOMMENDATION 3-0
 ZONING BOARD OF APPEALS RECOMMENDS 7-0

Motion passes by a 2/3 show of voter cards to accept and adopt as printed in the Warrant except that, after Section 6.24.2 b., the following line be added: "c. nothing in Section 6.24 shall be construed as authorizing the issuance of a special permit which exceeds the limitations for Dwelling Space Area and for Site Coverage set forth in Section 5.4.3.1 (d)."

No Planning Board report given.

ARTICLE 6: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, **SECTION V, Uses**, by deleting the R1 , and NSP requirements in Section 5.4.3 and adding Section 5.4.3.1, Maximum Building Coverage in the R1 and NSP Districts.

5.4.3 Maximum Building Coverage	CD	R1	R2	NSP	C	C2
Maximum Building Coverage	15%	15%	15	5%	25%	15%

5.4.3.1 Maximum Building Coverage in the NSP District and R1 & R2 Districts				
Lot Size	NSP District		R1 & R2 Districts	
	Maximum Coverage²	Gradient¹	Maximum Coverage³	Gradient¹
5,000 sq. ft.	250 sq. ft.	5.00%	750 sq. ft.	15.00%
10,000 sq. ft.	500 sq. ft.	5.00%	1,500 sq. ft.	5.00%
20,000 sq. ft.	1,000 sq. ft.	5.00%	2,000 sq. ft.	5.00%
40,000 sq. ft.	2,000 sq. ft.	1.25%	3,000 sq. ft.	2.50%
80,000 sq. ft.	2,500 sq. ft.	0.40%	4,000 sq. ft.	2.50%
120,000+ sq. ft.	2,700 sq. ft.	0.10%	4,500 sq. ft.	0.10%

¹The gradient is the factor that is needed to calculate intermediate square footages. For example, in the NSP District if the lot size is 9,000 sq. ft. the maximum lot coverage is:

$$(250 + (9,000 - 5,000) \times 5.00\%) = 450 \text{ sq. ft.}$$

² Maximum Coverage may be increased by up to 1,200 sq. ft. with the addition of one Affordable Accessory Dwelling Unit under Section 6.21 of these bylaws; however, total Building Coverage may not exceed 5% of the Lot Area.

³Maximum Coverage may be increased by up to 1,200 sq. ft. per unit or Affordable Accessory Dwelling Units under Section 6.21 of these bylaws, to a maximum of three Units; however, total Building Coverage may not exceed 15% of the Lot Area.

BOARD OF SELECTMEN RECOMMENDS INDEFINITE POSTPONEMENT 4-0
 PLANNING BOARD RECOMMENDS 5-0
 BY-LAW COMMITTEE HAS NO RECOMMENDATION
 CONSERVATION COMMISSION DECLINES RECOMMENDATION
 NATURAL RESOURCES ADV. BOARD DECLINES RECOMMENDATION 3-0
 ZONING BD OF APPEALS RECOMMENDS INDEFINITE POSTPONEMENT 7-0

Voice vote to refer Articles 6, 7 and 8 back to Planning Board.

Motion to accept and adopt as printed in the warrant except that “R2” be added to line two of the introductory paragraph following “R1” and that “R2” be added to line three of the introductory paragraph following “R1”, and that in footnote 3, line one, the word “or” be replaced with the word “of” was not voted.

ARTICLE 7: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, **Section VI, GENERAL REGULATIONS**, by adding **Section 6.24 Residential Site Plan Approval – Special Permit** as follows:

6.24 Residential Site Plan Approval – Special Permit

6.24.1 Purpose

The purpose of Site Plan Approval for residential properties is to review proposed structures and additions to existing structures to ensure protection of the legitimate interests of the adjoining property owners; to encourage construction that is sensitive to the scale, size and massing of buildings; to afford continued public visual access to ponds, rivers, marshes, the ocean and the bay; to protect environmental needs and concerns of the Town, and to ensure that development or redevelopment maximizes consideration of the impact on abutting land, the neighborhoods and the community at large.

6.24.2 Requirements

The Planning Board is hereby designated the Special Permit Granting Authority for Special Permits issued under this Section. No building meeting the requirements in the Applicability section of this by-law shall be issued a building permit without first obtaining a Special Permit from the Planning Board.

6.24.3 Applicability

Site Plan Approval with a Special Permit shall be required for any addition, expansion or construction of a residential use that exceeds 1,250 square feet of Building Coverage and meets the following requirements:

1. For any Lot less than 20,000 square feet, where the current or proposed Site Coverage exceeds 10% in NSP District or 15% in the R1 and R2 Districts and where the Site Coverage Ratio for a new dwelling or the addition of an accessory building causes the Site Coverage Ratio to exceed 10 % in NSP District or 15% in the R1 and R2 Districts, or
2. For any Lot containing 20,000 square feet or more, where the Site Coverage exceeds 2,000 square feet in the NSP District or 3,000 square feet in the R1 and R2 Districts.
3. Site Coverage – The sum of the gross horizontal area of the floors of a dwelling used or intended to be used for living, sleeping, cooking or eating purposes, plus the total gross horizontal area of any roofed permanent accessory structure or garage and screened porch or covered deck or uncovered decks thirty (30) inches, or more, above grade that exceed seven hundred fifty (750) square feet in aggregate, not including unfinished cellar, non-habitable attic and basement areas not devoted to residential use.
4. Site Coverage Ratio – site coverage divided by the Lot Area.

6.24.4 Application of Other Laws and Regulations

Sites and developments to which this section applies shall comply with the regulations of this section as well as all applicable Town Zoning Bylaws, Town regulations and the requirements of the Commonwealth of Massachusetts prior to any construction being undertaken.

6.24.5 Site Alteration

1. No building permit, site clearing, filling, grading, material deliveries or construction shall be initiated on any site to which this section applies until any required Residential Site Plan Special Permit is obtained from the Planning Board.
2. Nothing herein shall be construed to prohibit such site clearing or altering as may be necessary to conduct pre-development studies such as geotechnical tests, soil borings, wetlands determination, percolation tests for septic systems as required by the Board of Health, or other similar tests required by any law or regulation of standing.

6.24.6 Review Standards and Criteria

In addition to the Special Permit Criteria listed in Section 8.4.2 of this By-law, the criteria listed in this section apply to preliminary and final review of applications, and may be changed or modified upon agreement of the Planning Board during the review process.

1. The landscape shall be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes and the removal of native vegetation and soil. Any grading or earth-moving shall be planned and executed in such a manner, and to the extent practicable, that final contours are consistent with existing terrain both on and adjacent to the site.
2. The development shall be integrated into the existing terrain and surrounding landscape, and protect abutting properties and community amenities. Proposed development shall take into account the height, scale and bulk of other buildings in the neighborhood. The design of proposed buildings and additions shall complement, whenever feasible, the general setback, roofline, arrangement of openings, proportion and scale of existing buildings in the vicinity. However, it is not the intent that the design of the proposed buildings and additions be similar or repetitive in nature to those structures in the neighborhood. Variation in detail, form and setting shall be encouraged.
3. Buildings on a slope pose unique design and development challenges since mass and scale when viewed from the uphill side may seem starkly different from mass and scale when viewed from the downhill side. To mitigate such stark differences, variations in scale and mass and the creative use of interconnected building elements are encouraged so that scale and mass when viewed from the downhill side is nearly as compatible with the surroundings as when viewed from the uphill side.
4. Proposed buildings and foundations shall, to the extent practicable, minimize alteration of natural slopes, flood plains, hilltops, dunes, coastal banks, scenic views and wetlands to preserve the integrity and scenic qualities of natural features whenever possible.

5. Proposed developments shall, to the extent practicable, preserve and protect unusual or rare natural and/or historical features.
6. Development and redevelopment shall not interfere with legal access. Proposed developments shall take into account and, to the extent practicable, minimize obstruction of water views and other scenic views from publicly accessible locations.
7. Electric, telephone, cable and other utility lines shall be installed underground unless specifically waived.
8. The protection of unusual or significant environmental resources including protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies is critical and shall be evaluated. All runoff shall be recharged on site based on a calculated 25-year storm. Storm water infiltration systems shall be designed so that run-off shall not be increased, groundwater recharge is maximized, pollution impacts are minimized and neighboring properties will not be adversely affected.
9. Where feasible, a minimum of ten (10) foot wide vegetated buffer shall be provided along the inside property line perimeter of the lot under consideration, unless otherwise agreed to by the Planning Board. Said vegetated buffer should consist primarily of undisturbed, existing vegetation unless, in the opinion of the Planning Board, the existing vegetation is insufficient to serve the purpose, in which case, the Planning Board may require installation of berms and/or additional vegetation to provide an adequate buffer. The development shall screen features such as retaining walls, excessive support members or mechanical systems from neighboring properties and roadways.
10. Lighting shall protect adjacent properties and the night sky from intrusive lighting.
11. Consideration should be given to the placement of decks and patios and their potential for noise pollution and its adverse impact on adjacent properties.
12. Driveway entrances, parking areas, the location and number of access points from the street, and driveway widths shall make vehicular traffic safe and convenient to and from the development. Site visibility from driveway entrances shall be safe to the development as well as abutting properties.

6.24.7 Preliminary Review (Optional)

At least thirty (30) days before submitted an application for a Special Permit for Residential Site Plan Review, the applicant may request a consultation with the Planning Board for a Preliminary Review of a subsequent application for a Special Permit. The purpose of the consultation is to facilitate the permitting of structures and alterations by the exchanges of information between the applicant and the Planning Board in order to clarify and resolve concerns of the Board and to minimize potential problems with the application.

6.24.8 Public Notice and Public Meeting

For Preliminary Review, upon receipt of a request by the Wellfleet Town Clerk, the Planning Board shall schedule review within thirty (30) days. It shall be the responsibility of the Planning Board to notify abutters and abutters to abutters within three hundred (300) feet via first class mail, with said mailing to take place no less than fourteen (14) days prior to the scheduled public meeting.

6.24.9 Required Submissions for Preliminary Review Consultation

All applications, and documentation, submitted under this section for Preliminary Review shall include:

1. Existing and proposed structures, including plans and elevations.
2. A development location plan including the following:
 - a. Septic system and well location,
 - b. Dwelling and accessory structures,
 - c. Driveways,

d. Ingress and egress to the lot,

e. Topography showing five (5) foot contours

3. Additional information may be requested to provide a sufficient level of information and detail for the Planning Board to review the project.

The Planning Board shall have the right upon good cause to waive all or any part of the above Preliminary Review content requirements, such waiver to occur within a public meeting.

4. The Planning Board shall give direction for a course of action that the applicant may follow before submitting the Application for a Special Permit.

6.24.10 Required Submissions for Special Permit Application

All Applications submitted under this section for final review shall include:

1. All site plans shall be prepared by a Registered Land Surveyor or Registered Civil Engineer.

2. All site plans shall be prepared at an appropriate scale suitable for the content of the topic covered on the sheet and shall include the following:

a. The location and boundaries of the lot including monuments, adjacent street/ways and a list showing names and addresses of direct abutters and abutters to the abutters within 300 feet,

b. Existing and proposed topography showing five (5) foot contours showing “benchmark used and significant land features, natural and man made, including, but not limited to, the location of six (6) inch caliper trees, wetlands, streams, bodies of water, drainage swales and areas subject to flooding,

c. Plans for existing and proposed structures, including dimensions and all elevations,

d. The existing and proposed location of driveways, walkways, access and egress points, and the location and number of parking spaces,

e. The location and description of all proposed on site wells, water supply systems, storm drainage systems, utilities and location and capacity of septic systems.

3. Include approvals from other regulatory boards and commissions required, including but not limited to the Board of Health, the Conservation Commission, the Historic Review Commission, but with the exception of a Special Permit from the Zoning Board of Appeals, if anticipated, or other permits which legally must succeed the Site Plan Approval by the Planning Board.

The Planning Board shall have the right upon good cause to waive all or any part of the above site plan content requirements, such waiver to occur within a duly noticed public meeting or public hearing.

6.24.11 Public Notice and Public Hearing

For final review, upon receipt of the application by the Wellfleet Town Clerk, the Planning Board shall hold an advertised public hearing within sixty-five (65) days. Said advertisement shall appear in a local newspaper of general publication no less than fourteen (14) days prior to the scheduled public hearing. It shall be the responsibility of the Planning Board to notify abutters and abutters to abutters within three hundred (300) feet via first class mail, with said mailing to take place no less than fourteen (14) days prior to the scheduled public hearing.

6.24.12 Planning Board Decision

The Planning Board shall issue a decision within ninety (90) days following the date of the public hearing

6.24.13 Application Procedure and Fees

All applications for Preliminary Review or Final Review of Site Plan Review – Residential shall be filed with the Wellfleet Town Clerk along with ten (10) copies and the required fee. The Planning Board shall have the authority to require that the applicant pay for necessary professional services reasonably required to review and to analyze adequately the contents of any site plan or related impact study requested by the Planning Board.

6.24.14 Recording of Decision – Final Site Plan Approval

The applicant shall be responsible for filing the Planning Board decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the Planning Board Secretary.

6.24.15 Effect

A Residential Site Plan approved by the Planning Board becomes the official development plan for a site within the Town of Wellfleet. The endorsed Residential Site Plan is legally binding upon the holder and any future owner(s).

BOARD OF SELECTMEN RECOMMENDS INDEFINITE POSTPONEMENT 4-0
PLANNING BOARD RECOMMENDS AS AMENDED 5-0
BY-LAW COMMITTEE HAS NO RECOMMENDATION
CONSERVATION COMMISSION DECLINES RECOMMENDATION
NATURAL RESOURCES ADV. BOARD DECLINES RECOMMENDATION 3-0
ZONING BD OF APPEALS RECOMMENDS INDEFINITELY POSTPONEMENT 7-0

Voice vote to refer back to Planning Board

Motion to accept and adopt as printed in the warrant except that in Section 6.24.3, Applicability, first paragraph, line two, the word “Building” be replaced with the word “Site” and in Section 6.24.3, Applicability, subsection 1., the word “Ratio” be added at the end of the line one, and in Section 6.24.10, Required Submissions for Special Permit Application, subsection 2.b., line three, the word and numeral “six (6)” be replaced with the word and numeral “twelve (12)” was not voted.

ARTICLE 8: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, **SECTION VIII, Administration**, by adding the following to Section 8.4.2.

8.4.2 Special Permits - Except as provided in Section 6.6, ~~and~~ Section 6.18, **and Section 6.24**, the Board of Appeals shall have the authority to hear and decide all applications for special permits. Granting of a special permit for an adult entertainment use shall be pursuant to the requirements of Section 6.20, Adult Entertainment Uses, in addition to all other special permit requirements hereunder. The Board of appeals, or the Planning Board under Section 6.18 **and Section 6.24** shall not grant a special permit unless it finds that the benefits of the proposal to the town will outweigh any adverse effects on the Town of the vicinity, taking into consideration the stated district objectives (Section 3.2) and, where germane, the following matters:

BOARD OF SELECTMEN RECOMMENDS INDEFINITE POSTPONEMENT 4-0
PLANNING BOARD RECOMMENDS AS AMENDED 5-0
BY-LAW COMMITTEE HAS NO RECOMMENDATION
CONSERVATION COMMISSION DECLINES RECOMMENDATION
NATURAL RESOURCES ADV. BOARD DECLINES RECOMMENDATION 3-0
ZONING BD OF APPEALS RECOMMENDS INDEFINITE POSTPONEMENT 7-0

Voice vote to refer to the Planning Board

Malcolm Bertram steps down at this time as Temporary Moderator and Harry Terkanian resumes the chair.

ARTICLE 9: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Communications Union, Mass Cop Local 326B, covering the term of July 1, 2008 through June 30, 2011.

BOARD OF SELECTMEN RECOMMENDS 5-0
FINANCE COMMITTEE RECOMMENDS 7-0

Voice vote that the sum of \$6,332 be and hereby is appropriated to pay costs of funding the first year of a three year collective bargaining agreement between the town of Wellfleet and the Wellfleet Communications Union, Mass Cop Local 326B, covering the term of July 1, 2008 through June 30, 2011 by confirming the previous appropriation of funding voted under Article 4 of the 2008 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 10: To see if the Town will vote to fund the cost items of the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Communications Union, Mass Cop Local 326B, which covers the period of July 1, 2007 through June 30, 2008, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

BOARD OF SELECTMEN RECOMMENDS 5-0
FINANCE COMMITTEE RECOMMENDS 7-0

Voice vote that the sum of \$6,148 be and hereby is appropriated to pay the costs of funding the first year of the collective bargaining agreement between the town of Wellfleet and the Wellfleet Communications Unions, Mass Cop Local 326B, which covers the period of July 1, 2007 through June 30, 2008, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 11: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit B, covering the term of July 1, 2008 through June 30, 2011.

BOARD OF SELECTMEN MADE NO RECOMMENDATION
FINANCE COMMITTEE DOES NOT RECOMMENDS 8-0

Voice vote to Indefinitely Postpone

ARTICLE 12: To see if the Town will vote to fund the cost items of the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit B, which covers the period of July 1, 2007 through June 30, 2008, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

BOARD OF SELECTMEN MADE NO RECOMMENDATION
FINANCE COMMITTEE DOES NOT RECOMMEND 8-0

Voice vote to Indefinitely Postpone

ARTICLE 13: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit C, covering the term of July 1, 2008 through June 30, 2011.

BOARD OF SELECTMEN MADE NO RECOMMENDATION
FINANCE COMMITTEE DOES NOT RECOMMEND 8-0

Voice vote to Indefinitely Postpone

ARTICLE 14: To see if the Town will vote to fund the cost items of the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit C, which covers the period of July1, 2007 through June 30, 2008, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

BOARD OF SELECTMEN MADE NO RECOMMENDATION
FINANCE COMMITTEE DOES NOT RECOMMEND 8-0

Voice vote to Indefinitely Postpone

ARTICLE 15: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit A, covering the term of July 1, 2008 through June 30, 2011.

BOARD OF SELECTMEN MADE NO RECOMMENDATION
FINANCE COMMITTEE DOES NOT RECOMMEND 8-0

Voice vote to Indefinitely Postpone

ARTICLE 16: To see if the Town will vote to fund the cost items of the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit A, which covers the period of July1, 2007 through June 30, 2008, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

BOARD OF SELECTMEN MADE NO RECOMMENDATION
FINANCE COMMITTEE DOES NOT RECOMMEND 8-0

Voice vote to Indefinitely Postpone

ARTICLE 17: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Teamsters Union, Local No. 59, covering the term of July 1, 2008 through June 30, 2011.

BOARD OF SELECTMEN MADE NO RECOMMENDATION
FINANCE COMMITTEE DOES NOT RECOMMENDS 8-0

Voice vote to Indefinitely Postpone

ARTICLE 18: To see if the Town will vote to accept the provisions of MGL c.60, Section 23B to allow an increase in fees for issuance of Municipal Lien Certificates.

BOARD OF SELECTMEN RECOMMENDS 5-0
FINANCE COMMITTEE RECOMMENDS 7-0

Unanimous voice vote to adopt the provisions of MGL Ch. 60, Section 23B

ARTICLE 19: To see if the town will vote to accept the provisions of MGL c. 40, Section 57 as amended to allow the revocation or suspension of local licenses and permits for failure to pay municipal taxes or charges.

BOARD OF SELECTMEN RECOMMENDS 5-0
FINANCE COMMITTEE RECOMMENDS 4-2-1

Unanimous voice vote to Indefinitely Postpone

ARTICLE 20: To act on any other business which may legally come before the meeting.

The Moderator announced the resignation of Macgregor Hay from the Finance Committee and appointed Stephen Oliver to fill the unexpired term to ATM 2011 with Town Meeting approval.

There being no further business a motion to adjourn was passed at 11:05pm.

Attest:

Dawn E. Rickman
Town Clerk

SPECIAL TOWN ELECTION

Tuesday, October 28, 2008

In accordance with the Warrant the Warden, Richard Hazen, opened the polls at 12:00 o'clock noon and the ballot box read 0000. The box was opened reading 299 at 3:12pm to prevent jamming. The box was opened reading 449 at 5:43pm to prevent jamming. The polls were closed at 7:00pm with the box reading 506. There were 49 absentee ballots and 19% of 2,627 voters came to the polls. Workers included Richard Hazen – Warden; Janet LaTanzi – Clerk; Ann Fox, Ruth Ann Dykeman, Frances Hartswick and Barbara Stevens – Inspectors; Marilee Frazier and Ruth Marriott – Counters; Barbara Souther – Tallier and Frauke Rosenthal – Constable.

Question 1. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the town in order to pay for the demolition of the vestry and rectory of the former Our Lady of Lourdes Catholic Church located at 335 Main Street (Map 14, Lot 173) as part of a master plan to revitalize the down-town and create additional public open space and for the payment of all other costs incidental and related thereto?

Yes – 506 *
No - 209

Question 2. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the Town in order to pay for the first phase of the development of a new water supply well located at the former Boy Scout Camp (Map 23, Lot 603)?

Yes – 276 *
No – 228
Blanks – 2

Attest:

Dawn E. Rickman
Town Clerk/Treasurer