

**Town of Wellfleet**  
**SPECIAL TOWN MEETING MINUTES**  
Saturday, September 10, 2022

Having been advised by the Town Clerk that a quorum was present, Daniel R. Silverman, Moderator, called the Town Meeting to order at 10:02 am at the Wellfleet Elementary School ballfield, 100 Lawrence Road. The final tally of voters present at this meeting was 295.

Tellers sworn into service for the meeting were:  
Lynda Shuster, Madeline Entel, Lara Henry, and Seth Rolbein.

The Moderator recognized all the town staff and departments that make up the Town Meeting Task Force that helped in putting the meeting together. Those departments being: Department of Public Works, Fire Department, Community Services, Health & Conservation, Recreation, the Town Clerk, and Administration. He also recognized Kathleen Bacon who was elected to the Select board since our last Town meeting and announced the names of those people who are newly employed by the Town, Shannon Ellis Assistant Town Clerk, Jacob Berrick Animal Control Officer for the Police department, Martha Wheeler Police department dispatch. For the Adult Community Center; Sally Largey Outreach coordinator, and Chelsey Mix as Front desk assistant. For the Elementary school; Tessa Wood, Melanie Griswold, Brendan Pursel, Deborah Cook, and Sharon Hughes.

Also recognized was Carolyn Murray from the firm of KP Law as Town Counsel.

The Moderator took the time to go through the features of the warrant and procedures for voting, pointing out everyone was given a motions booklet to accompany the warrant because of some needed corrections to some warrant articles.

**ARTICLE NO. 1 – PRIOR YEAR INVOICES:**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of paying prior year unpaid bills listed below:

	Vendor	Source	Line-item	Amount
	American Red Cross	699 - Beach	01-699-5400-540000	\$ 810.00
	WB Mason	510 - BOH 241 - Building	01-510-5400-542000 01-241-5400-542000	\$ 87.46
	Axion/Visual Edge	510 - BOH 241 - Building	01-510-5400-542000 01-241-5400-542000	\$ 110.64
	CC Oil Company	64 - Marina	64-260-5400-548900	\$ 25,505.85
	CC Oil Company	64 - Marina	64-260-5400-548900	\$ 14,563.20
	Ford's Fire Apparatus	420 - DPW	01-420-5400-524300	\$ 1,424.94



	Ford's Fire Apparatus	420 - DPW	01-420-5400-524300	\$ 1,230.83
	Ford's Fire Apparatus	420 - DPW	01-420-5400-524300	\$ 688.40
	Grand-total			\$ 44,421.32

or to do or act on anything thereon.

(Requested by the Selectboard)

**9/10th Vote Required**

Recommendations:

Selectboard 5-0-0

Finance Committee 9-0

**It was moved and seconded, that the Town vote to appropriate the amounts printed in the warrant under Article No. 1 by transferring the stated amounts from the sources and for the purposes stated, for a total appropriation of \$44,421.23 to pay bills of a prior Fiscal Year listed below:**

	Vendor	Source	Line-item	Amount
	American Red Cross	699 - Beach	01-699-5400-540000	\$ 810.00
	WB Mason	510 - BOH 241 - Building	01-510-5400-542000 01-241-5400-542000	\$ 87.46
	Axion/Visual Edge	510 - BOH 241 - Building	01-510-5400-542000 01-241-5400-542000	\$ 110.64
	CC Oil Company	64 - Marina	64-260-5400-548900	\$ 25,505.85
	CC Oil Company	64 - Marina	64-260-5400-548900	\$ 14,563.20
	Ford's Fire Apparatus	420 - DPW	01-420-5400-524300	\$ 1,424.94
	Ford's Fire Apparatus	420 - DPW	01-420-5400-524300	\$ 1,230.83
	Ford's Fire Apparatus	420 - DPW	01-420-5400-524300	\$ 688.40
	Grand-total			\$ 44,421.32

The Moderator declared that the motion passed with a unanimous vote.

**ARTICLE NO. 2 - FY 2023 CAPITAL BUDGET:**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Town Capital Budget, as follows:



	Department & Project		Funding Source
	<b>Article 2a. Capital Budget</b>		
1.	Police Department:		
	a. Bulletproof Vest Replacement	\$15,000.00	Free Cash
2.	Department of Public Works:		
	a. Water Refill Station Project	\$20,000.00	Free Cash
	b. Briar Lane Culvert Replacement	\$75,000.00	Free Cash
	<b>Article 2b. Capital Budget</b>		
3.	Fire Department:		
	a. New Pickup Truck	\$65,000.00	Ambulance Receipts
4.	Community Services		
	a. Gull & Long Pond Stair Improvements	\$25,000.00	Beach Fund
	Grand-total	\$200,000.00	

or to do or act on anything thereon.

(Requested by the Selectboard)

### **Majority Vote Required**

Recommendations:

Selectboard 5-0-0

Finance Committee 9-0

**It was moved and seconded, that the Town vote to approve the Fiscal Year 2023 Town Capital Budget as printed in the warrant under Article No. 2, but excluding projects labeled 1(a) Police Department Bullet Proof Vest Replacement, 2(a) Department of Public Works Water Refill Station and 2(b) Department of Public Works Briar Lane Culvert Replacement, for a total appropriation of \$90,000 to be funded as follows by transferring the sum of \$65,000 from Ambulance Receipts and the sum of \$25,000 from the Beach Fund for the purpose of funding the projects labeled as 3(a) Fire Department New Pickup Truck and 4(a) Community Services Gull & Long Pond Stair Improvements below:**



	Department & Project	Amount	Funding Source
	<b>Article 2a. Capital Budget</b>		
1.	Police Department:		
	b. Bulletproof Vest Replacement	\$15,000.00	Free Cash
2.	Department of Public Works:		
	c. Water Refill Station Project	\$20,000.00	Free Cash
	d. Briar Lane Culvert Replacement	\$75,000.00	Free Cash
	<b>Article 2b. Capital Budget</b>		
3.	Fire Department:		
	b. New Pickup Truck	\$65,000.00	Ambulance Receipts
4.	Community Services		
	b. Gull & Long Pond Stair Improvements	\$25,000.00	Beach Fund
	Grand-total	\$200,000.00	

The Town Administrator, Richard Waldo took to the podium and explained why in the in motion, some items were excluded due to free cash not being certified.

The Moderator declared that the motion carried on a unanimous vote.

### **ARTICLE NO. 3 - TRANSFER TO STABILIZATION FUND:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$639,200.00, or any other sum, for the purpose of contributing to the Stabilization Fund, or to do or act on anything thereon. (Requested by the Selectboard)

#### **Majority vote required**

Recommendations:

Selectboard 5-0-0

Finance Committee: 9-0

**It was moved and seconded that Article 3 be indefinitely postponed.**

The Moderator declared the motion carried on a unanimous vote.



#### **ARTICLE NO. 4 – HUMAN RESOURCES DIRECTOR NEW STAFF:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$115,000.00, or any other sum, for the purpose of funding a new Human Resources Director, and all associated costs, provided however that no sums shall be expended hereunder unless and until the Town has voted to assess an additional \$115,000.00 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or to do or act on anything thereon. (Request of the Selectboard)

#### **Majority vote required**

Recommendations:

Selectboard Recommends 5-0-0

Finance Committee: 9-0

**It was moved and seconded, that the Town vote to raise and appropriate the sum of \$115,000 for the purpose of hiring a new Human Resources Director, including all associated costs, provided, however that the appropriation made hereunder shall be directly contingent upon approval by the voters of a Proposition 2 ½, so called, override question allowing such amounts to be raised outside of the levy limit.**

The Moderator declared the motion passed on a majority vote.

#### **ARTICLE NO. 5 - WELFLEET HARBOR FLORA AND FAUNA SURVEY:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$75,000.00, or any other sum, for the purpose of conducting a field survey of the fauna and flora in Wellfleet Harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon.

(Request of the Natural Resources Advisory Board)

#### **Majority vote required**

Recommendations:

Selectboard Recommends 5-0-0

Finance Committee Take no action 5-0

**It was moved and seconded, that Article 5 be indefinitely postponed.**

The Moderator declared that the motion carried on a majority vote.

#### **ARTICLE NO. 6 –ACQUISTION OF CAMPGROUND PROPERTY**

To see if the Town will vote to authorize the Selectboard to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Selectboard deems in the best interest of the Town, a parcel of land located at 80 State Highway, containing 21.31 acres, more or less, identified as Assessors' Parcel 47-23-0, and being the property described in deeds recorded with the



Barnstable Registry of Deeds in Book 2543, Page 214 and the Barnstable Registry District of the Land Court as Certificate of Title 71210, shown as Land Court Plan 23487A, for general municipal purposes, including, without limitation, for housing purposes and other uses, and/or to lease all or portions of the property, further, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the acquisition of said property and costs incidental or related thereto in the amount of \$6,500,000.00, and authorize the Treasurer, with the approval of the Selectboard, to borrow all or a portion of said sum under G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called, and, further, to authorize the Selectboard to execute any and all documents, agreements and instruments and take all other action necessary or convenient to accomplish the foregoing, or to do or act on anything thereon. (Requested by the Selectboard)

### **Two-thirds vote required**

Recommendations:

Selectboard: Recommends 4-1-0

Finance Committee: To not recommend 3-2

Non-Resident Taxpayers recommends.

Affordable housing trust recommends 6-0

Housing Authority recommends 4-0

Local Housing Partnership recommends 7-0

**It was moved and seconded, that the Town vote to authorize the Selectboard to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Selectboard deems in the best interest of the Town, a parcel of land located at 80 State Highway, containing 21.31 acres, more or less, identified as Assessors' Parcel 47-23-0, and being the property described in deeds recorded with the Barnstable Registry of Deeds in Book 2543, Page 214 and the Barnstable Registry District of the Land Court as Certificate of Title 71210, shown as Land Court Plan 23487A, for general municipal purposes, including, without limitation, for housing purposes and other uses, and/or to lease all or portions of the property; further, to appropriate the sum of \$6,500,000.00 for the acquisition of said property and costs incidental or related thereto and authorize the Treasurer, with the approval of the Selectboard, to borrow all or a portion of said sum under G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called, and, further, to authorize the Selectboard to execute any and all documents, agreements and instruments and take all other action necessary or convenient to accomplish the foregoing.**

**motion on the floor of Town meeting asked for the word in line 9 appropriations, be changed to "appropriate"**

The Moderator declared that the motion passed on a 2/3 vote.



## **ARTICLE NO. 7 - COMMUNITY PRESERVATION – MAURICE’S CAMPGROUND HOUSING RESTRICTION**

To see if the Town will vote, pursuant to G.L. Chapter 44B, to appropriate the sum of \$1,050,000, or such other sum, to be applied towards the purchase of the site at 80 State Highway known as Maurice’s Campground identified as Assessors’ Parcel 47-23-0, and being the property described in deeds recorded with the Barnstable Registry of Deeds in Book 2543, Page 214 and the Barnstable Registry District of the Land Court as Certificate of Title 71210, shown as Land Court Plan 23487A, for the purpose of creating, and thereby supporting, the development of Community Housing on at least a 3-acre portion of said site, and to meet this appropriation, the sum of \$41,417 will be transferred from the Community Preservation community housing reserve, the sum of \$144,617 will be transferred from the Community Preservation Undesignated fund and the balance will be borrowed from Community Preservation Fund future receipts pursuant to G.L. Chapter 44B, Section 11, and further, that the Town Treasurer, with the approval of the Select Board, be authorized to borrow the balance in accordance with Massachusetts General Laws Chapter 44, Section 7 and Chapter 44B, Section 11 and any other enabling authority, and issue bonds or notes of the Town therefor; provided that the portion of said parcel shall be subject to an affordable housing deed restriction limiting housing on said portion of the parcel to households earning up to 100% of the area median income, adjusted for household size; and provided further, that any amount appropriated hereunder shall reduce the amount to be borrowed under Article 6 of this Special Town Meeting; or to do or act on anything thereon. (Requested by the Community Preservation Committee)

### **Two-thirds vote required**

Recommendations:

Selectboard Recommends 5-0-0

Housing Authority Recommends 4-0

Finance Committee: To not recommend 3-2

CPC Recommends 8-0

Local Housing Partnership Recommends 7-0

Affordable housing trust Recommends 7-0

**It was moved and seconded, that the Town vote, pursuant to G.L. Chapter 44B, to appropriate the sum of \$645,000, to be applied towards the purchase of the site at 80 State Highway known as Maurice’s Campground identified as Assessors’ Parcel 47-23-0, and being the property described in deeds recorded with the Barnstable Registry of Deeds in Book 2543, Page 214 and the Barnstable Registry District of the Land Court as Certificate of Title 71210, shown as Land Court Plan 23487A, for the purpose of creating, and thereby supporting, the development of Community Housing on at least a 3-acre portion of said site, and to meet this appropriation, the sum of \$41,417 be transferred from the Community Preservation community housing reserve, the sum of \$144,617 be transferred from the Community Preservation budgeted reserve and the balance be borrowed from Community Preservation Fund future receipts pursuant to G.L. Chapter 44B, Section 11, and further, that the Town Treasurer, with the approval of the Selectboard, be authorized to borrow the balance in accordance with Massachusetts General Laws Chapter 44, Section 7 and Chapter 44B, Section 11 and any other enabling authority, and issue bonds or notes of the Town therefor; provided that the portion of said parcel shall be subject to an affordable housing deed restriction limiting housing on said portion of the parcel to households earning up to 100% of the area median income, adjusted for household size;**



**and provided further, that any amount appropriated hereunder shall reduce the amount to be borrowed under Article 6 of this Special Town Meeting**

The Moderator declared the motion carried on a 2/3 vote.

### **ARTICLE NO. 8 – MAURICE’S CAMPGROUND OPERATIONAL COSTS**

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 the fiscal year 2023 operational expenses of Maurice’s Campground, provided, however, that any funds to be raised and appropriated hereunder shall be expended unless or until the Town has voted to assess an additional \$225,000 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or to do or act on anything thereto.

(Requested by the Selectboard)

#### **Majority vote required**

Recommendations:

Selectboard Recommend 4-0-1

Local Housing Partnership 7-0

Finance Committee: To not recommend 3-2

Housing Authority 4-0

Affordable housing trust Recommends 7-0

**It was moved and seconded that the Town vote to raise and appropriate the sum of \$225,000 for the purpose of funding the fiscal year 2023 operational expenses of Maurice’s Campground, provided, however that the appropriation made hereunder shall be directly contingent upon approval by the voters of a Proposition 2 ½, so called, override question allowing such amounts to be raised outside of the levy limit.**

The Moderator declared that the motion carried on a unanimous vote.

### **ARTICLE NO. 9 - TOWN CODE ADOPTION OF RENUMBERING OF GENERAL BYLAWS:**

To see if the Town will vote to amend its General Bylaws by renumbering, recaptioning and applying consistent formatting to the General Bylaws of the Town of Wellfleet by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article and section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that “Town,” when referring to the Town of Wellfleet, is capitalized throughout, numbers are cited consistently across all bylaws and definitions are alphabetized; and (f) changing “Selectmen” or “Board of Selectmen” to “Selectboard” to implement the Charter changes effective 4-29-2019; and (g) by correcting existing typographical or grammatical errors, all as set forth in the document on file in the Office of the Town Clerk entitled “Draft of the Town of Wellfleet, Massachusetts, General Bylaws,” prepared by General Code, LLC, and available on the Town’s website at [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov) or to do or act on anything thereon.

(Requested by the Town Clerk)

#### **Majority vote required**

Recommendations:

Selectboard Recommends 5-0-0

By Law Committee-To not recommend 3-0



**It was moved and seconded that the Town vote to amend its General Bylaws by renumbering, recaptioning and applying consistent formatting to the General Bylaws of the Town of Wellfleet by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article and section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that “Town,” when referring to the Town of Wellfleet, is capitalized throughout, numbers are cited consistently across all bylaws and definitions are alphabetized; and (f) changing “Selectmen” or “Board of Selectmen” to “Selectboard” to implement the Charter changes effective 4-29-2019; and (g) by correcting existing typographical or grammatical errors, all as set forth in the document on file in the Office of the Town Clerk entitled “Draft of the Town of Wellfleet, Massachusetts,” prepared by General Code, LLC, and available on the Town’s website at [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov).**

The Moderator declared that the motion carried on a unanimous vote.

## **ARTICLE NO. 10 - TOWN CODE ADOPTION OF RENUMBERING OF ZONING BYLAWS:**

To see if the Town will vote to amend its Zoning Bylaws to renumber, recaption and apply consistent formatting to the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 235 of the new Town Code; (b) renumbering each section of the Zoning Bylaw to be a subsection of Chapter 235; (c) inserting section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that “Town,” when referring to the Town of Wellfleet, is capitalized throughout, numbers are cited consistently throughout and definitions are alphabetized; and (f) changing “Selectmen” or “Board of Selectmen” to “Selectboard” to implement the Charter changes effective 4-29-2019; and (g) by correcting existing typographical or grammatical errors, all as set forth in the document on file in the office of the Town Clerk entitled “Draft of the Town of Wellfleet, Massachusetts, Zoning Bylaws,” prepared by General Code, LLC., and available on the Town’s website at [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov) or to do or act on anything thereon.

(Requested by the Town Clerk)

### **Two-thirds vote required**

Recommendations:

Selectboard Recommends 5-0-0

By Law Committee To not recommend 3-0

Planning Board Recommends 6-0

**It was moved and seconded that the Town vote to amend its Zoning Bylaws to renumber, recaption and apply consistent formatting to the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 235 of the new Town Code; (b) renumbering each section of the Zoning Bylaw to be a subsection of Chapter 235; (c) inserting section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that “Town,” when referring to the Town of Wellfleet, is capitalized throughout, numbers are cited consistently throughout and definitions are alphabetized; and (f) changing “Selectmen” or “Board of Selectmen” to “Selectboard” to implement the Charter changes effective 4-29-2019; and (g) by correcting existing typographical or grammatical errors, all**



as set forth in the document on file in the office of the Town Clerk entitled “Draft of the Town of Wellfleet, Massachusetts,” prepared by General Code, LLC., and available on the Town’s website at [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov).

The Moderator declared the motion carried on a unanimous vote.

#### **ARTICLE NO. 11 - LEASE OF TOWN PROPERTY:**

To see if the Town will vote to transfer the care, custody, management, and control of a Town-owned parcel located at 1175 Gross Hill Road, as shown on Assessors Map 5, Parcel 8, from the Selectboard or other board or commission currently having custody thereof and for the purpose for which said parcel is currently held to the Selectboard for the purpose for which the parcel is currently held and for the purpose of entering into a long-term lease with one or more cellular communication carriers, upon such terms and conditions as the Selectboard deems to be in the best interest of the Town, , and further to authorize the Selectboard to execute any and all documents, agreements and instruments necessary or convenient to carry out the purposes of this article, or to do or act on anything thereon. (Requested by the Selectboard)

#### **Two-thirds vote required**

Recommendations:

Selectboard Recommends 5-0-0

Finance Committee Recommends 9-0

**It was moved and seconded that the Town vote to transfer the care, custody, management, and control of a Town-owned parcel located at 1176 Gross Hill Road, as shown on Assessors Map 5, Parcel 8, from the Selectboard or other board or commission currently having custody thereof and for the purpose for which said parcel is currently held to the Selectboard for the purpose for which the parcel is currently held and for the purpose of entering into a long-term lease with one or more cellular communication carriers, upon such terms and conditions as the Selectboard deems to be in the best interest of the Town, and further to authorize the Selectboard to execute any and all documents, agreements and instruments necessary or convenient to carry out the purposes of this article.**

The Moderator declared that the motion carried on a 2/3 vote.

#### **ARTICLE NO. 12 - ADOPTION OF ENABLING LEGISLATION FOR THE DISPOSITION OF UNCLAIMED PROPERTY:**

To see if the Town will vote to accept the provisions of Section 9A of Chapter 200A of the General Laws, which provides as follows:

##### **DISPOSITION OF UNCLAIMED PROPERTY**

- (a) In any city, town or district that accepts this section in the manner provided in Section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.



(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement “void if not cashed within 1 year from date of issue.” After the expiration of one 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are resumed to be abandoned under this section shall post a notice entitled “Notice of names of persons appearing to be owners of funds held by [Town of Wellfleet], and deemed abandoned”. The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds



shall be available to the city, town, or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary, or person entitled thereto. Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within one 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section. If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

Or to do or act on anything thereon.

(Requested by the Selectboard)

### **Majority vote required**

Recommendation:

Selectboard Recommend 5-0-0

Finance Committee No action taken

It was moved and seconded that that the Town vote to accept the provisions of Section 9A of Chapter 200A of the General Laws, as printed in the warrant under Article 12, except in the third sentence of section c, to change the word resumed, with presumed.

The Moderator declared that the motion carried on a majority vote.



## **ARTICLE NO. 13 – GENERAL BYLAW AMENDMENT - PLASTIC WATER BOTTLE BAN**

To see if the town will vote to amend the Town's General Bylaws, Chapter 187, Article IV – Single-Use Plastic Bottles, as recodified under Article 11 of this Special Town Meeting, by inserting the text that is underlined and by deleting text shown as struck-through, to take effect on May 1, 2023, as follows:

### **Chapter 187, Article IV Section 49. Commercial ~~Single-Use~~ Plastic Non-Alcoholic Beverage Bottle Ban**

#### **§ 187-16. Ban on Sale**

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in ~~single-use~~ plastic bottles of less than one gallon in the Town of Wellfleet. Enforcement of this regulation will begin September 1, 2021.

Effective on May 1, 2023, it shall be unlawful to sell non-alcoholic carbonated beverages in plastic bottles of less than 21 oz. Enforcement of this regulation will begin May 1, 2023.

#### **§187-17. Definitions**

A ~~single-use~~ plastic bottle is a container made from any type of plastic resin.

#### **§187-19.. Enforcement**

Enforcement of this article shall be the responsibility of the Town Administrator ~~or his/her designee~~ and/or any police officer of the Town. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of this article shall be subject to a non- criminal disposition fine as specified in G.L. Chapter 40, Section 21D.

#### **§187-20. Severability**

If any provision of this Bylaw should be declared invalid, void, or unenforceable by a court of competent jurisdiction, all other provisions shall remain in force and effect.

Or to do or act on anything thereon.

(Requested by the Recycling Committee)

#### **Majority vote required**

Recommendations:

Selectboard Recommends 3-0-2

Bylaw Committee To not recommend 3-0



It was moved and seconded that the Town vote to amend the Town's General Bylaws, Chapter 187, Article IV – Single-Use Plastic Bottles, as recodified under Article 9 of this Special Town Meeting, by inserting the text that is underlined and by deleting text shown as struck-through as printed in the warrant under Article 13, said amendment to take effect on May 1, 2023, as follows:

**Chapter 187, Article IV Section 49. ~~Commercial Single-Use Plastic Non-Alcoholic Beverage Bottle Ban~~ (Majority vote)**

**§ 187-16. Ban on Sale**

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in ~~single-use~~ plastic bottles of less than one gallon in the Town of Wellfleet. Enforcement of this regulation will begin September 1, 2021.

Effective on May 1, 2023, it shall be unlawful to sell non-alcoholic carbonated beverages in plastic bottles of less than 21 oz. Enforcement of this regulation will begin May 1, 2023.

**§187-17. Definitions**

A ~~single-use~~ plastic bottle is a container made from any type of plastic resin.

**§187-19. Enforcement**

Enforcement of this article shall be the responsibility of the Town Administrator ~~or his/her designee and/or any police officer of the Town.~~ The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of this article shall be subject to a non- criminal disposition fine as specified in G.L. Chapter 40, Section 21D.

**§187-20. Severability**

If any provision of this Bylaw should be declared invalid, void, or unenforceable by a court of competent jurisdiction, all other provisions shall remain in force and effect.

The Moderator declared that the motion carried on a majority vote.

**ARTICLE NO. 14 – CHARGE AMENDMENT FOR THE NATURAL RESOURCES ADVISORY BOARD:**

To see if the Town will vote to amend the charge of –the Natural Resources Advisory Board, as voted under Article 52 of the 1987 Annual Town Meeting as follows:

**NATURAL RESOURCE ADVISORY BOARD**

There shall be a Natural Resources Advisory, consisting of **five members and one alternate** to be appointed by the Selectboard for three year overlapping terms, to be assisted by the



**Selectboard, Town Administrator, Town Officials and Town Boards as needed.** The Board to have such duties as the Selectboard may specify but including the following:

1. The creation of a Harbor Management Plan **and a Ponds Management Plan, each on roughly a ten-year cycle.**
2. **Work with the Town and Town committees for follow-up to implement the Harbor & Ponds plans.**
3. The identification of the natural resources within the Town of significant importance -- vistas, wildlife habitats, recreational open spaces, areas of special beauty, rarity, or historic interest, fauna and flora, especially endangered species, etc.-- and appropriate action as may be possible to preserve and protect these resources. Or to do or act on anything thereon. (Requested by the Natural Resources Advisory Board)

### **Majority vote required**

Recommendations:

Selectboard Recommend 5-0-0

Bylaw Committee To not recommend 3-0

It was moved and seconded that the Town vote to amend the charge of the Natural Resources Advisory Board, as voted under Article 52 of the 1987 Annual Town Meeting, as printed in the warrant under Article 14 as follows:

### **NATURAL RESOURCE ADVISORY BOARD**

There shall be a Natural Resources Advisory, consisting of **five members and one alternate** to be appointed by the Selectboard for three year overlapping terms, to be assisted by the **Selectboard, Town Administrator, Town Officials and Town Boards as needed.** The Board to have such duties as the Selectboard may specify but including the following:

1. The creation of a Harbor Management Plan **and a Ponds Management Plan, each on roughly a ten-year cycle.**
2. **Work with the Town and Town committees for follow-up to implement the Harbor & Ponds plans.**
3. The identification of the natural resources within the Town of significant importance -- vistas, wildlife habitats, recreational open spaces, areas of special beauty, rarity, or historic interest, fauna and flora, especially endangered species, etc.-- and appropriate action as may be possible to preserve and protect these resources.

The Moderator declared that the motion carried on a majority vote.



## **ARTICLE NO. 15 – GENERAL BYLAW AMENDMENT - WILDLIFE PROTECTION - FEEDING:**

To see if the Town will vote to amend its General Bylaws, as amended under Article 11 of this Special Town Meeting, by amending Chapter 111 – Animals, by adopting a new Article III - “Wildlife Protection – Feeding” as follows, or to do or act on anything thereon:

### **Chapter 111, ARTICLE III: WILDLIFE PROTECTION - Feeding**

#### **§111-15. Feeding of songbirds and other backyard birds permitted on private property.**

The feeding of songbirds and other backyard birds shall be permitted on private property subject to the condition that birds shall only be fed from bird feeders.

#### **§111-16. FEEDING OF WILDLIFE**

The feeding of wild animals and/or wildlife is prohibited.

A. No person shall feed, bait, or in any manner provide access to food to any wild animal and/or wildlife within Town of Wellfleet on lands either publicly or privately owned, except as permitted by §111-15.

B. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor food sources or attractant after being advised by the Town to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants.

C. The prohibitions of this section shall not apply to naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, or trees.

#### **§111-17. Enforcement**

A. The Animal Control Officer shall enforce the provisions of this article.

B. Violations of this article shall be enforceable under the noncriminal disposition procedures established by M.G.L. c. 40, § 21D. The noncriminal disposition penalties for any person violating this article shall be a written warning for the first violation; \$25 for the second violation; \$100 for the third violation; and \$300 for each subsequent violation. Each day of violation shall constitute a separate offense.

(Requested by the Selectboard)

#### **Majority vote required**

Recommendations:

Selectboard Recommend 4-1-0

Bylaw Committee To not recommend 3-0



It was moved and seconded that that the Town vote to amend its General Bylaws, as recodified under Article 9 of this Special Town Meeting, by amending Chapter 111 – Animals, by adopting a new Article III - “Wildlife Protection – Feeding” as printed in the warrant under Article 15 as follows:

Chapter 111, ARTICLE III: WILDLIFE PROTECTION - Feeding

§111-15. Feeding of songbirds and other backyard birds permitted on private property.

The feeding of songbirds and other backyard birds shall be permitted on private property subject to the condition that birds shall only be fed from bird feeders.

§111-16. FEEDING OF WILDLIFE

The feeding of wild animals and/or wildlife is prohibited.

A. No person shall feed, bait, or in any manner provide access to food to any wild animal and/or wildlife within Town of Wellfleet on lands either publicly or privately owned, except as permitted by §111-15.

B. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor food sources or attractant after being advised by the Town to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants.

C. The prohibitions of this section shall not apply to naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, or trees.

§111-17. Enforcement

A. The Animal Control Officer shall enforce the provisions of this article.

B. Violations of this article shall be enforceable under the noncriminal disposition procedures established by M.G.L. c. 40, § 21D. The noncriminal disposition penalties for any person violating this article shall be a written warning for the first violation; \$25 for the second violation; \$100 for the third violation; and \$300 for each subsequent violation. Each day of violation shall constitute a separate offense.

The Moderator declared that the motion carried on a majority vote.

**ARTICLE NO. 16 – ZONING BYLAW AMENDMENT - COTTAGE COLONY**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws, as recodified under Article 12 of this Special Town Meeting, by adding underlined text and by deleting text that is struck-through as follows, or to do or act on anything thereon:

- A. By amending Chapter 235 – Article II - DEFINITIONS by amending the definition of “Cottage Colony” and inserting in alphabetical order a new definition for “Cottage Colony NPS” as follows:**



Cottage Colony - A group of two or more detached dwellings located on the same lot not within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities, ~~and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year.~~ Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.

Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities, and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.

B. **By amending Chapter 235 – Article V -Uses**, Section 5.3.B. Commercial, by alphabetically inserting the use "Cottage Colony NSP" and such use is to be prohibited in all zoning districts as follows:

C. ["P" is a permitted use. "O" – An excluded or prohibited use "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
<u>Cottage Colony NSP</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>

(Requested by the Selectboard)

### **Two-thirds vote required**

Recommendations:

Selectboard Recommends 5-0-0

Planning Board to not recommend 4-3

Housing Authority

It was moved and seconded that the Town vote to amend the Wellfleet Zoning By-Laws, as recodified under Article 10 of this Special Town Meeting, relative to the definitions and the Table of Uses for Cottage Colony and Cottage Colony NSP, by adding underlined text and by deleting text that is struck-through as printed in the warrant under Article 16 as follows, except in the third sentence under letter "A" "replace NPS with NSP.

**A. By amending Chapter 235 – Article II - DEFINITIONS by amending the definition of “Cottage Colony” and inserting in alphabetical order a new definition for “Cottage Colony NSP” as follows:**

Cottage Colony - A group of two or more detached dwellings located on the same lot not within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities, ~~and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year.~~ Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.



Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities. and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.

- B. **By amending Chapter 235 – Article V -Uses, Section 5.3.B. Commercial, by** alphabetically inserting the use "Cottage Colony NSP" and such use is to be prohibited in all zoning districts as follows:

["P" is a permitted use. "O" – An excluded or prohibited use "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
<u>Cottage Colony NSP</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>

The Moderator declared that the motion carried on a 2/3 rds. vote.

## **ARTICLE NO. 17 - ZONING BYAW AMENDMENT - AFFORDABLE DWELING DEVELOPMENT**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws, as recodified under Article 12 of this Special Town Meeting, by inserting new text that is underlined and deleting text that is struck-through as follows, or to do or act on anything thereon:

- A. To amend Chapter 235, Article VI - General Regulations, Section 6.28.B. Definitions by deleting the definitions for “Affordable Dwelling Development” and “Dwelling, Affordable” and by amending Chapter 235, Article II DEFINITIONS by inserting the following definitions in alphabetical order:**

Affordable Dwelling Development - A tract of land of fifty thousand square feet (50,000 sf) or more containing units of residential housing, of which at least twenty-five percent (25%) are encumbered by affordable dwelling deed restrictions.

Dwelling, Affordable - A dwelling unit which is subject to an affordable dwelling restriction.

Special Permit Granting Authority (SPGA) – The Zoning Board of Appeals except for where the Planning Board is expressly designated as the SPGA.

- B. To amend Section 235-5.3. A Use Regulations - Residential by alphabetically inserting the use for "Affordable Dwelling Development" to be allowed by Special Permit and amending the use "Dwelling, Affordable" to be a use allowed by right as follows:**



["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
<u>Affordable Dwelling Development</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Dwelling, Affordable</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

C. To amend Section 235-6.28 – Provisions to encourage development of Affordable Dwellings in Wellfleet by renumbering the Section from Section 235-6.28 to Section 235-6.26 and renumbering all subsections accordingly and by renaming the new Section 6.26 as “Affordable Dwelling Development” and further to amend this sub-section by inserting text that is underlined and deleting text that is struck through as follows:

**§235 - 6.26. Affordable Dwelling Developments (Added 4/26/2011)**

**§235 - 6.26.1. Purpose**

The purpose of this by-law is to further the goal of encouraging various lot sizes and housing types for persons of various income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year round dwellings, and for the purpose of helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and maintaining a stable economy by preventing out-migration of residents who provide essential services.

**§235 - 6.26.2. Authority**

The Planning Board is hereby designated the special permit granting authority for all Affordable Dwelling Development applications under this by-law, and shall have the power to hear and decide applications for special permits and to adopt regulations for carrying out its duties under this by-law.

For the purpose of promoting the development of affordable dwellings in Wellfleet, the Planning Board may by special permit allow the creation of Affordable Dwellings in residential and commercial zoning districts consistent with Section 235-5.3.A of the Zoning By-laws. All Affordable Dwellings created shall be for the primary and sole domicile of the eligible tenant or owner for year-round occupancy.

**§235 - 6.26.3. Special Permit Requirements for Affordable Dwellings**

A. The Planning Board shall have the discretion to reduce the off-street parking requirements otherwise applicable under Section 235-6.3.A where:

(1) the number of units to be restricted under Section 6.26 equals or exceeds twenty-five percent (25%) of the total units, and.



(2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the Affordable Dwelling and/or Affordable Dwelling Development.

B. The second unit created, and at a minimum, every fourth unit created there-after shall be deed restricted as permanently affordable units, per the applicable standards in Section 6.26.7 below.

C. An Affordable Dwelling Unit must have the following minimum areas:

- (i) studio two hundred fifty (250) square feet
- (ii) one-bedroom units seven hundred (700) square feet
- (iii) two-bedroom units nine hundred (900) square feet
- (iv) three-bedroom units one thousand two hundred (1,200) square feet
- (v) four-bedroom units one thousand four hundred (1,400) square feet

D. The Affordable Dwelling Development must conform to all other requirements of the Zoning By-law. In the event that a provision of Section 6.26 conflicts with another provision of the By-law, the provisions of Section 6.26 shall control.

#### §235 - 6.26.4. Standards and Criteria

In reviewing applications under this by-law, the Planning Board shall apply the following standards and criteria:

A. At least twenty-five percent (25%) of all dwelling units created under this by-law shall be restricted as provided for under Section 6.26.6.

B. At least twenty-five percent (25%) of the total number of bedrooms within any Affordable Dwelling Development shall be within said restricted dwelling units.

C. The applicant has conformed to the standards and criteria of this by-law and will deliver the needed Affordable Dwelling Units.

D. The proposed development is suitable for the proposed location, with proportions, orientation, materials, landscaping and other features that provide a stable and desirable character complementary and integral with the site's natural features.

E. The development, density increase or relaxation of zoning standards has no material, detrimental effect on the character of the neighborhood or Town and is consistent with the performance standards in Section 235 - 8.4.B of the Wellfleet Zoning By-laws. §235 - 6.26.5. Area, Setback and Frontage Requirements for Affordable Dwelling Units and Developments

A. The Planning Board shall have discretion to reduce or suspend the minimum area and frontage requirements otherwise applicable under Section 235 - 5.4.A of the Wellfleet Zoning By-laws for an Affordable Dwelling Development, provided however that there must be at least 10,000 square feet of lot area for each bedroom created in an Affordable Dwelling Development.



B. Where an applicant proposes to divide the tract of land that is the locus of a proposed Affordable Dwelling Development, the minimum lot size shall be twenty thousand (20,000) square feet for each affordable unit. All other units included in the development shall comply with lot area requirements in Section 235 - 5.4.A of this Zoning By-law.

C. The Planning Board may, in its sole discretion, reduce the front, side or rear yard setback requirements of Section 235 - 5.4B, provided however, that said setbacks shall be no less than ten (10) feet.

D. In the case of a subdivided lot, the Planning Board shall have discretion to reduce or suspend the minimum road width for access and frontage may be created through the establishment of a common driveway deemed to provide safe and adequate access.

E. The Planning Board shall have the discretion to permit a density of less than 10,000 square feet for each bedroom if the applicant can demonstrate to the satisfaction of the Planning Board and the Board of Health that the sewage disposal system servicing the development will result in nitrogen loading of less than ten (10) parts per million.

§235 - 6.26.6 . Affordable Dwelling Restrictions in Affordable Developments As a condition to any special permit issued under Section 235 - 6.26, the applicant shall be required to execute an affordable dwelling housing deed restriction (“Restriction”) and Regulatory Agreement in a form acceptable to the Planning Board. All restrictions shall be for perpetuity, or the longest period allowed by law. ~~The special permit shall not be exercised~~ No certificate of occupancy shall be issued until the applicant records the Regulatory Agreement and Affordable Housing Restriction in the Registry of Deeds and provides proof of same to the Building Commissioner.

A. The Restriction shall provide that units made available for ownership or rental shall be made available to households earning up to one hundred percent (100%) of the area ~~Barnstable County~~ median income (BCAMI), adjusted for household size.

~~The initial sales price of such units shall be calculated on the basis of what a household at seventy percent (70%) of the BCMI could afford to pay (assume a household size of one more than the number of bedrooms in the unit). In determining this amount:~~

~~1) no more than thirty percent (30%) of the household’s gross income may be allocated to housing costs (mortgage principal and interest, real estate taxes, house and private mortgage insurance, and any homeowners’ association or condominium fees);~~

~~2) current interest rates offered for thirty (30) year, no point fixed rate loans with down payments of 5% of total cost shall be applied; and~~

~~3) current real estate taxes for the Town of Wellfleet shall be used.~~

B. Any lot containing an Affordable Dwelling shall be subject to a recorded affordable housing deed restriction that shall restrict the lot owner's ability to convey or rent interest in the



Affordable Dwelling ~~except leasehold estates~~ for the term of the restriction ~~or sale~~ to an income qualified individual or family in accordance with Section 235 - 6.26.6 below.

C. It shall be a condition upon every special permit issued under this by-law that the applicant shall comply with any Massachusetts Department of Housing and Community Development (“DHCD”) regulations under Chapter 40B of the Massachusetts General Laws and guidelines for qualification of the dwelling units created under this By-law towards the Town’s subsidized housing inventory, including but not limited to the form of the affordable ~~dwelling~~ housing deed restriction and regulations concerning tenant selection and marketing, unit design standards, and income eligibility standards and maximum rent or sale price.

D. In the event that a dwelling unit subject to a restriction created under this By-law becomes vacant, the owner shall give written notice to the Wellfleet Housing Authority. It is the intent of this by-law that a local preference shall be used in filling vacancies to the extent permitted by DHCD regulations and guidelines and state or federal laws.

E. An Affordable Dwelling available for ownership or rental shall be sold or rented to households earning up to one hundred percent (100%) of the ~~Barnstable County~~ area median income (BCAMI), adjusted for household size. ~~Maximum rents for studio, one bedroom, two bedroom, etc., units respectively, shall be in accordance with current Housing and Urban Development (HUD) published Fair Market Rental Guidelines for Barnstable County.~~

~~All occupants of the affordable dwelling shall upon initial application and annually thereafter submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit.~~

Property owners are required to submit to the Town or its agent information necessary to ensure that affordable dwelling units are occupied by income-eligible purchasers or tenants so as to ensure that the affordable dwelling units remain on the DHCD’s Subsidized Housing Inventory. ~~on the rents to be charged along with a lease for a one year period. Each year thereafter they shall submit information to the Town or its agent on annual rents charged along with a one year lease.~~

F. This section shall not prevent a lot owner from building an affordable dwelling that meets the requirements of this by-law and from transferring such dwelling and lot to an income eligible immediate family member (sibling, parent or child) by gift or inheritance, provided that the restriction required by Section 235 - 6.26.6 is properly recorded prior to issuance of a building permit.

G. Penalty – Failure to comply with any provision of this section may result in fines established in Section 235 - 8.3 of the Wellfleet Zoning By-laws. ~~In accordance with the Regulatory Agreement, any profits or proceeds from leasing, rental or sale which has not received prior consent from the Wellfleet Housing Authority, shall be paid to the Wellfleet Affordable Housing Trust Fund.~~



(Requested by the Selectboard)

**Two-thirds vote required**

Recommendations:

Selectboard Recommends 5-0-0

Affordable housing trust recommends 6-0-1

Local Housing partnership no recommendation.

Planning Board recommends 5-1

Housing Authority recommends 2-2-0

Bylaw Committee to not recommend 3-0

**It was moved and seconded that the Town vote to amend the Wellfleet Zoning By-Laws, as recodified under Article 10 of this Special Town Meeting, by inserting new text that is underlined and deleting text that is struck-through as follows:**

- A. To amend Chapter 235, Article VI - General Regulations, Section 6.28.B. Definitions by deleting the definitions for “Affordable Dwelling Development” and “Dwelling, Affordable” and by amending Chapter 235, Article II DEFINITIONS by inserting the following definitions in alphabetical order:

Affordable Dwelling Development - A tract of land of fifty thousand square feet (50,000 sf) or more containing units of residential housing, of which at least twenty-five percent (25%) are encumbered by affordable dwelling deed restrictions.

Dwelling, Affordable - A dwelling unit which is subject to an affordable dwelling restriction.

Special Permit Granting Authority (SPGA) – The Zoning Board of Appeals except for where the Planning Board is expressly designated as the SPGA.

- B. To amend Section 235-5.3.A Use Regulations - Residential by alphabetically inserting the use for "Affordable Dwelling Development" to be allowed by Special Permit and amending the use "Dwelling, Affordable" to be a use allowed by right as follows:

**["P" is a permitted use. "A" is a use authorized under special permits.]**

	CD	R1	R2	NSP	C	C2
<u>Affordable Dwelling Development</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u> (O)	<u>A</u>	<u>A</u>
<u>Dwelling, Affordable</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

- C. To amend Section 235-6.28 – Provisions to encourage development of Affordable Dwellings in Wellfleet by renumbering the Section from Section 235-6.28 to Section 235-6.26 and renumbering all subsections accordingly and by renaming the new Section 6.26 as “Affordable Dwelling Development” and further to amend this sub-section by inserting text that is underlined and deleting text that is struck through as follows:



§235 - 6.26. Affordable Dwelling Developments (Added 4/26/2011)

§235 - 6.26.1. Purpose

The purpose of this by-law is to further the goal of encouraging various lot sizes and housing types for persons of various income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year round dwellings, and for the purpose of helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and maintaining a stable economy by preventing out-migration of residents who provide essential services.

§235 - 6.26.2. Authority

The Planning Board is hereby designated the special permit granting authority for all Affordable Dwelling Development applications under this by-law and shall have the power to hear and decide applications for special permits and to adopt regulations for carrying out its duties under this by-law.

For the purpose of promoting the development of affordable dwellings in Wellfleet, the Planning Board may by special permit allow the creation of Affordable Dwellings in residential and commercial zoning districts consistent with Section 235-5.3.A of the Zoning By-laws. All Affordable Dwellings created shall be for the primary and sole domicile of the eligible tenant or owner for year-round occupancy.

§235 - 6.26.3. Special Permit Requirements for Affordable Dwellings

A. The Planning Board shall have the discretion to reduce the off-street parking requirements otherwise applicable under Section 235-6.3.A where:

- (1) the number of units to be restricted under Section 6.26 equals or exceeds twenty-five percent (25%) of the total units; and
- (2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the Affordable Dwelling and/or Affordable Dwelling Development.

B. The second unit created, and at a minimum, every fourth unit created there-after shall be deemed restricted as permanently affordable units, per the applicable standards in Section 6.26.6 below.

C. An Affordable Dwelling Unit must have the following minimum areas:

- (i) studio two hundred fifty (250) square feet
- (ii) one bedroom units seven hundred (700) square feet
- (iii) two bedroom units nine hundred (900) square feet
- (iv) three bedroom units one thousand two hundred (1,200) square feet
- (v) four bedroom units one thousand four hundred (1,400) square feet



D. The Affordable Dwelling Development must conform to all other requirements of the Zoning By-law. In the event that a provision of Section 6.26 conflicts with another provision of the By-law, the provisions of Section 6.26 shall control.

#### §235 - 6.26.4. Standards and Criteria

In reviewing applications under this by-law, the Planning Board shall apply the following standards and criteria:

A. At least twenty-five percent (25%) of all dwelling units created under this by-law shall be restricted as provided for under Section 6.26.6;

B. At least twenty-five percent (25%) of the total number of bedrooms within any Affordable Dwelling Development shall be within said restricted dwelling units;

C. The applicant has conformed to the standards and criteria of this by-law and will deliver the needed Affordable Dwelling Units;

D. The proposed development is suitable for the proposed location, with proportions, orientation, materials, landscaping and other features that provide a stable and desirable character complementary and integral with the site's natural features.

E. The development, density increase or relaxation of zoning standards has no material, detrimental effect on the character of the neighborhood or Town and is consistent with the performance standards in Section 235 - 8.4.B of the Wellfleet Zoning By-laws.

#### §235 - 6.26.5. Area, Setback and Frontage Requirements for Affordable Dwelling Units and Developments

A. The Planning Board shall have discretion to reduce or suspend the minimum area and frontage requirements otherwise applicable under Section 235 - 5.4.A of the Wellfleet Zoning By-laws for an Affordable Dwelling Development, provided however that there must be at least 10,000 square feet of lot area for each bedroom created in an Affordable Dwelling Development.

B. Where an applicant proposes to divide the tract of land that is the locus of a proposed Affordable Dwelling Development, the minimum lot size shall be twenty thousand (20,000) square feet for each affordable unit. All other units included in the development shall comply with lot area requirements in Section 235 - 5.4.A of this Zoning By-law.

C. The Planning Board may, in its sole discretion, reduce the front, side or rear yard setback requirements of Section 235 - 5.4B, provided however, that said setbacks shall be no less than ten (10) feet.

D. In the case of a subdivided lot, the Planning Board shall have discretion to reduce or suspend the minimum road width for access and frontage may be created through the establishment of a common driveway deemed to provide safe and adequate access.

E. The Planning Board shall have the discretion to permit a density of less than 10,000 square feet for each bedroom if the applicant can demonstrate to the satisfaction of the Planning Board



and the Board of Health that the sewage disposal system servicing the development will result in nitrogen loading of less than ten (10) parts per million.

§235 - 6.26.6. Affordable Dwelling Restrictions in Affordable Developments

As a condition to any special permit issued under Section 235 - 6.26, the applicant shall be required to execute an affordable dwelling housing deed restriction ("Restriction") and Regulatory Agreement in a form acceptable to the Planning Board. All restrictions shall be for perpetuity, or the longest period allowed by law. ~~The special permit shall not be exercised~~ No certificate of occupancy shall be issued until the applicant records the Regulatory Agreement and Affordable Housing Restriction in the Registry of Deeds and provides proof of same to the Building Commissioner A. The Restriction shall provide that units made available for ownership or rental shall be made available to households earning up to one hundred percent (100%) of the area ~~Barnstable County~~ median income (BCAMI), adjusted for household size.

~~The initial sales price of such units shall be calculated on the basis of what a household at seventy percent (70%) of the BCMI could afford to pay (assume a household size of one more than the number of bedrooms in the unit). In determining this amount:~~

- ~~1) no more than thirty percent (30%) of the household's gross income may be allocated to housing costs (mortgage principal and interest, real estate taxes, house and private mortgage insurance, and any homeowners' association or condominium fees);~~
- ~~2) current interest rates offered for thirty (30) year, no point fixed rate loans with down payments of 5% of total cost shall be applied; and~~
- ~~3) current real estate taxes for the Town of Wellfleet shall be used.~~

B. Any lot containing an Affordable Dwelling shall be subject to a recorded affordable housing deed restriction that shall restrict the lot owner's ability to convey or rent ~~interest in the~~ Affordable Dwelling ~~except leasehold estates~~ for the term of the restriction ~~or sale to an income~~ qualified individual or family in accordance with this Section.

C. It shall be a condition upon every special permit issued under this by-law that the applicant shall comply with any Massachusetts Department of Housing and Community Development ("DHCD") regulations under Chapter 40B of the Massachusetts General Laws and guidelines for qualification of the dwelling units created under this By-law towards the Town's subsidized housing inventory, including but not limited to the form of the affordable dwelling housing deed restriction and regulations concerning tenant selection and marketing, unit design standards, and income eligibility standards and maximum rent or sale price.

D. In the event that a dwelling unit subject to a restriction created under this By-law becomes vacant, the owner shall give written notice to the Wellfleet Housing Authority. It is the intent of this by-law that a local preference shall be used in filling vacancies to the extent permitted by DHCD regulations and guidelines and state or federal laws.

E. An Affordable Dwelling available for ownership or rental shall be sold or rented to households earning up to one hundred percent (100%) of the ~~Barnstable County~~ area median



~~income (BCAMI), adjusted for household size. Maximum rents for studio, one-bedroom, two-bedroom, etc., units respectively, shall be in accordance with current Housing and Urban Development (HUD) published Fair Market Rental Guidelines for Barnstable County. All occupants of the affordable dwelling shall upon initial application and annually thereafter submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit.~~

~~Property owners are required to submit to the Town or its agent information necessary to ensure that affordable dwelling units are occupied by income-eligible purchasers or tenants so as to ensure that the affordable dwelling units remain on the DHCD's Subsidized Housing Inventory. on the rents to be charged along with a lease for a one year period. Each year thereafter they shall submit information to the Town or its agent on annual rents charged along with a one year lease.~~

~~F. This section shall not prevent a lot owner from building an affordable dwelling that meets the requirements of this by-law and from transferring such dwelling and lot to an income eligible immediate family member (sibling, parent or child) by gift or inheritance, provided that the restriction required by Section 235 - 6.26.6 is properly recorded prior to issuance of a building permit.~~

~~G. Penalty – Failure to comply with any provision of this section may result in fines established in Section 235 - 8.3 of the Wellfleet Zoning By-laws. In accordance with the Regulatory Agreement, any profits or proceeds from leasing, rental or sale which has not received prior consent from the Wellfleet Housing Authority, shall be paid to the Wellfleet Affordable Housing Trust Fund.~~

The Moderator declared the motion carried on a 2/3 vote.

## **ARTICLE NO. 18 - ZONING BYLAW AMENDMENTS - AFFORDABLE HOUSING LOTS**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws, as recodified under Article 12 of this Special Town Meeting, by inserting new text that is underlined and deleting text that is struck-through as follows, or to do or act on anything thereon:

**A. To amend Section 235 – Article II DEFINITIONS by inserting, in alphabetical order, the following new definitions for “Affordable Lot”, “Affordable Undersized Lot” and “Contiguous Upland” as follows:**

Affordable Lot - A lot containing not less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot. A One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards



promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units.

Affordable Undersized Lot - A lot containing less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot. A One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by the Special Permit Granting Authority.

Contiguous Upland – any portion of property where upland is uninterrupted by other features, including but not limited to wetlands.

**B. To amend §235-5.3. A Use Regulations, Residential by inserting, in alphabetical order, uses for**

"Affordable Lot" and "Affordable Undersized Lot" and to allow such uses as follows:

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
<u>Affordable Lot</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>O</u>	<u>P</u>	<u>P</u>
<u>Affordable Undersized Lot</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>A</u>

**C. To amend §235-5.4. A – Minimum Lot Requirements by inserting a new footnote 2 as follows:**

<b>5.4.1 Minimum Lot Requirements</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Area (Square Feet)	20,000	30,000	40,000	3 Acres	40,000	30,000
Frontage (Feet)	125	135	13517	200	200	135

**NOTES:**

2. The minimum lot requirements for Affordable Lots are governed by §235-6.27.

**D. To amend §235-5.4. B – Minimum Yard Requirements by inserting a new footnote 6 as follows:**



<b>5.4.2 Minimum Yard Requirements</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>	<b>MSO</b>
Front (Feet)	25	30	30 <sup>18</sup>	50	100 <sup>19</sup>	50 <sup>20,21</sup>	25 <sup>22</sup>
Side (Feet)	20	25	25	35	35	35 <sup>23,24</sup>	6
Rear (Feet)	25	30	30	35	35	35 <sup>25,26</sup>	15

NOTES:

6. The minimum yard requirements for Affordable Lots are governed by §235-6.27.

E. To add a new Section 235-6.27. Affordable Lots and Affordable Undersized Lots as follows:

§235-6.27.1. Purpose: The purpose of this bylaw is to increase the supply of housing that is available and permanently affordable to low- or moderate-income households by allowing affordable dwellings to be built lots that do not meet the minimum lot size for the zoning district, provided the lots meet the criteria listed herein.

§235-6.27.2. Applicability - This bylaw applies shall apply to lots of record as of January 1, 2022, as recorded in a deed or plan on file with the Barnstable County Registry of Deeds or Land Court, regardless of whether the lot is held in common ownership with an adjoining lot, which do not meet the minimum lot size and yard requirements for the zoning district as determined by the Building Commissioner.

Any Dwellings created under this bylaw shall be designated as low or moderate income units, subject to an affordable housing deed restriction and Regulatory Agreement in accordance with M.G.L. Ch. 40B, Sec. 20-23, 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory as Local Action Units. For purposes of this bylaw, “affordable” shall mean that the units are available for ownership or rental to households earning at or below 80% of the Barnstable County Area Median Income, adjusted for household size and shall remain affordable in perpetuity or for the longest period allowed by law.

§235-6.27.3. The Building Commissioner may allow construction of a One Family Dwelling, restricted by a Regulatory Agreement and/or Affordable Housing Deed Restriction in a form acceptable to the Department of Housing and Community Development, executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel is not within the National Seashore Park District.
2. Parcel, at time of application, is not improved with any existing dwelling unit
3. Parcel contains at least 10,000 square feet of contiguous upland area.
4. Parcel satisfies applicable Board of Health requirements.



5. Parcel satisfies applicable Town of Wellfleet's Conservation Commission Environmental Protection Regulations.
6. Parcel has a minimum of twenty (20) feet of frontage on a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without a minimum of 20 feet of frontage on a way may be permitted under this section if there is an adequate recorded access easement of at least twenty (20) feet in width from the lot to a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.
7. The building setbacks shall not be less than fifteen (15) feet. If a dwelling is built within twenty-five (25) feet of any other dwelling or principal structure a stockade type fence at least 6' in height shall be required by the Permit Granting Authority.
8. An applicant under this Section shall submit a site plan that depicts the dimensions and setbacks of the subject Parcel, and the existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans.
9. A Parcel shall not be built upon if the Parcel was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.
10. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.
11. The Applicant must submit a Regulatory Agreement and Affordable Housing Deed Restriction, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to Low- or Moderate-Income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with DHCD's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income-eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. The Applicant shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the DHCD as Local Action Units. No building permit shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the registry of deeds and proof of such recording has been furnished to the Building Commissioner.
12. Transfer or Lease –A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement.



13. Monitoring Agent – The Affordable Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction. The Wellfleet Housing Authority may serve as Monitoring Agent.

§235-6.27.4. The Zoning Board of Appeals - As the Special Permit Granting Authority under this section the Zoning Board of Appeals may grant a special permit to allow construction of a One Family Dwelling, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on a lot less than 10,000 square feet of upland if:

1. The Board finds that such a reduction in minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood.
2. All criteria outlined in Section 6.27.3, except the minimum lot size may be less than 10,000 square foot of upland. The Special Permit Granting Authority may impose reasonable conditions and restrictions on the special permit that, in the opinion of the Zoning Board of Appeals, are necessary or appropriate to carry out the intent and purposes of the bylaw and protect the health, safety, convenience, and general welfare of the inhabitants of the Town.

§235-6.27.5. Transfer or Lease - A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement.

§235-6.27.6.

No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of §235-6.27 have been met.

§235 - 6.27.10 Conflicts with other bylaws

The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw section, and the provisions therein, shall apply.

(Requested by the Selectboard)

### **Two-thirds vote required**

Recommendations:

Selectboard Recommends 5-0-0

Planning Board Recommends 4-3

**It was moved and seconded that the Town vote to amend the Wellfleet Zoning By-Laws, as recodified under Article 10 of this Special Town Meeting, by inserting new text that is underlined and deleting text that is struck-through as follows:**

- A. To amend Section 235 – Article II DEFINITIONS by inserting, in alphabetical order, the following new definitions for “Affordable Lot”, “Affordable Undersized Lot” and “Contiguous Upland” as follows



Affordable Lot - A lot containing not less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot. A One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units

Affordable Undersized Lot - A lot containing less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot. A One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by the Special Permit Granting Authority.

Contiguous Upland – any portion of property where upland is uninterrupted by other features, including but not limited to wetlands.

- B. To amend §235-5.3. A Use Regulations, Residential by inserting, in alphabetical order, uses for "Affordable Lot" and "Affordable Undersized Lot" and to allow such uses as follows:

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Affordable Lot	<u>P</u>	<u>P</u>	<u>P</u>	<u>O</u>	<u>P</u>	<u>P</u>
Affordable Undersized Lot	<u>A</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>A</u>

- C. To amend §235-5.4. A – Minimum Lot Requirements by inserting a new footnote 2 as follows:

<b>5.4.1 Minimum Lot Requirements</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Area (Square Feet)	20,000	30,000	40,000	3 Acres	40,000	30,000
Frontage (Feet)	125	135	135 <sup>17</sup>	200	200	135

NOTES:

2. The minimum lot requirements for Affordable Lots and Affordable Undersized Lots are governed by §235-6.27.



D. To amend §235-5.4.B – Minimum Yard Requirements by inserting a new footnote 6 as follows:

<b>5.4.2 Minimum Yard Requirements</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>	<b>MSO</b>
Front (Feet)	25	30	30 <sup>18</sup>	50	100 <sup>19</sup>	50 <sup>20,21</sup>	25 <sup>22</sup>
Side (Feet)	20	25	25	35	35	35 <sup>23,24</sup>	6
Rear (Feet)	25	30	30	35	35	35 <sup>25,26</sup>	15

NOTES:

6. The minimum yard requirements for Affordable Lots **and Affordable Undersized Lots** are governed by §235-6.27.

E. To add a new Section 235-6.27. Affordable Lots and Affordable Undersized Lots as follows:

§235-6.27.1. Purpose: The purpose of this bylaw is to increase the supply of housing that is available and permanently affordable to low- or moderate-income households by allowing affordable dwellings to be built lots that do not meet the minimum lot size for the zoning district, provided the lots meet the criteria listed herein.

§235-6.27.2. Applicability - This bylaw shall apply to lots of record as of January 1, 2022, as recorded in a deed or plan on file with the Barnstable County Registry of Deeds or Land Court, regardless of whether the lot is held in common ownership with an adjoining lot, which do not meet the minimum lot size and yard requirements for the zoning district as determined by the Building Commissioner.

Any Dwellings created under this bylaw shall be designated as low or moderate income units, subject to an affordable housing deed restriction and Regulatory Agreement in accordance with M.G.L. Ch. 40B, Sec. 20-23, 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory as Local Action Units. For purposes of this bylaw, “affordable” shall mean that the units are available for ownership or rental to households earning at or below 80% of the Barnstable County Area Median Income, adjusted for household size and shall remain affordable in perpetuity or for the longest period allowed by law.

§235-6.27.3. The Building Commissioner may allow construction of a One Family Dwelling, restricted by a Regulatory Agreement and/or Affordable Housing Deed Restriction in a form acceptable to the Department of Housing and Community Development, executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:



1. Parcel is not within the National Park District.
2. Parcel, at time of application, is not improved with any existing dwelling unit
3. Parcel contains at least 10,000 square feet of contiguous upland area.
4. Parcel satisfies applicable Board of Health requirements.
5. Parcel satisfies applicable Town of Wellfleet's Conservation Commission Environmental Protection Regulations.
6. Parcel has a minimum of twenty (20) feet of frontage on a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without a minimum of 20 feet of frontage on a way may be permitted under this section if there is an adequate recorded access easement of at least twenty (20) feet in width from the lot to a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.
7. The building setbacks shall not be less than fifteen (15) feet. If a dwelling is built within twenty-five (25) feet of any other dwelling or principal structure a stockage type fence at least 6' in height shall be required by the Permit Granting Authority.
8. An applicant under this Section shall submit a site plan that depicts the dimensions and setbacks of the subject Parcel, and the existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans.
9. A Parcel shall not be built upon if the Parcel was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.
10. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.
11. The Applicant must submit a Regulatory Agreement and Affordable Housing Deed Restriction, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to Low- or Moderate-Income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with DHCD's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income-eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. The Applicant shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the DHCD as Local Action Units. No building permit shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the registry of deeds and proof of such recording has been furnished to the Building Commissioner.
12. Transfer or Lease –A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement.
13. Monitoring Agent – The Affordable Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction. The Wellfleet Housing Authority may serve as Monitoring Agent.



§235-6.27.4. The Zoning Board of Appeals - As the Special Permit Granting Authority under this section the Zoning Board of Appeals may grant a special permit to allow construction of a One Family Dwelling, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on a lot less than 10,000 square feet of upland if:

1. The Board finds that such a reduction in minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood.
2. All criteria outlined in Section 6.27.3, except the minimum lot size may be less than 10,000 square feet of upland. The Special Permit Granting Authority may impose reasonable conditions and restrictions on the special permit that, in the opinion of the Zoning Board of Appeals, are necessary or appropriate to carry out the intent and purposes of the bylaw and protect the health, safety, convenience, and general welfare of the inhabitants of the Town.

§235-6.27.5. Transfer or Lease - A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement.

§235-6.27.6.

No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of §235-6.27 have been met.

§235 - 6.27.10 Conflicts with other bylaws

The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw section, and the provisions therein, shall apply.

The Moderator declared the motion carried on a 2/3 vote.



**ARTICLE NO. 19 – NON-BINDING ADVISORY VOTE: LECOUNT HOLLOW / MAGUIRES LANDING PARKING FOR TAXPAYERS**

To see if the Town will vote to adopt the following non-binding advisory regarding beach lot parking at LeCount Hollow / Maguires Landing, or to do or to act on anything thereon:

We the citizens of Wellfleet hereby vote to support a permanent change to the Town's Beach Rules & Regulations designating LeCount Hollow/Maguires Landing parking lot be reserved for those with resident (taxpayer) stickers only. (Requested by the Selectboard)

Majority vote required

Recommendations:

Selectboard Recommend 5-0-0

Finance Committee No action

**It was moved and seconded that the Town vote to adopt the non-binding advisory regarding beach lot parking at LeCount Hollow / Maguires Landing as printed in the warrant under Article 19 as follows:**

**We the citizens of Wellfleet hereby vote to support a permanent change to the Town's Beach Rules & Regulations designating LeCount Hollow/Maguires Landing parking lot be reserved for those with resident (taxpayer) stickers only.**

The Moderator declared that the motion carried on a majority vote.

**ARTICLE NO. 20 - OTHER BUSINESS:**

To act on any other business that may legally come before the meeting.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard Recommend 5-0-0

The Moderator had no appointments to make at this meeting.

**It was moved and seconded to approve Article 20.**

The Moderator declared the motion carried on a unanimous vote.

**Dissolution of the Annual Town Meeting.**

**It was moved and seconded that the Special Town Meeting be dissolved.  
A simple majority is required for adoption.**

The Moderator declared the motion carried on a unanimous vote.

The Special Town Meeting was dissolved at 2:00pm



A TRUE COPY ATTEST:

Jennifer M. Congel  
Town Clerk