



Town of Wellfleet Motion Booklet

Wellfleet Massachusetts Annual Town Meeting

Saturday April 29, 2023; 10:00am

Wellfleet Elementary School

Before you read the prepared motions, here is some information on a few of the warrant articles to better educate you as to what you are being asked to vote on.

MAURICE'S CAMPGROUND PLANNING COMMITTEE

Information for Article No. 4: FY 2024 Capital Budget # 13 a, b, c: Maurice's Campground

#13a: Water Main Extension This is a funding request to bring Eastham town water to the Maurice's Campground property which includes crossing Route 6. Extending the water line from Eastham is a critical element in any development plan for Maurice's. We have a limited window of opportunity to extend the water main to the property as Mass DOT will be repaving the highway and once, they do there will be a moratorium on work involving the roadway. Hookup to this Eastham town water source may also become available to homes and businesses in the immediate area.

#13b: Housing Development Planning and Development: The Town has issued a detailed Request for Proposals for master planning services for Maurice's. Maurice's is a complex property and the hope is to address our housing needs while knitting the property together with the surrounding neighborhood. The process will include opportunities for the Wellfleet Community to participate and give their input. This funding request is essential to making the planning efforts a reality.

#13c: Wastewater System Design and Construction: As the Wellfleet community is aware, the Town needs to develop an engineering plan to address the wastewater needs at Maurice's. This will also be a critical element in the Town's Targeted Watershed Management Plan. Requested funds are to begin the process of high-level information gathering, including drilling test holes (the "construction" part of this request) necessary to any wastewater management design work. Ultimately, the hope is that a system will be developed that will not only handle new housing at Maurice's but potentially include local existing neighborhoods and businesses all at a net REDUCTION in nitrogen load from the area.

WELLFLEET AFFORDABLE HOUSING TRUST

Information for Article 17 – Housing/CPA Specialist

Wellfleet needs a Housing Specialist now because:

1. Wellfleet has the lowest percentage of affordable homes on the Cape and among the Highest Affordability Gaps- the difference between what people make and the cost of owning or renting a home.
2. Why? Well, in part because Wellfleet is the **only town on Cape Cod** without a Housing Professional and/or a Dedicated Planner on staff. Our hard working volunteers just don't have the knowledge, expertise, time and experience. They need help.
3. Wellfleet has two \$30 million Plus Housing efforts underway – 95 Lawrence and Maurice's – we need a Professional to take a leadership role in both projects.
4. After many months and the work of dozens of folks, Wellfleet has completed a new ***Housing Production Plan*** (read about it on the Town website or at WellfleetHousing.org.) A Critical Strategy: – **Hire a Housing Professional.**
5. Our incredibly overworked Assistant Town Administrator spends a lot of her time on housing issues. Hiring a Housing Specialist will free up a good bit of her time so she can focus on other critical issues for Wellfleet including Planning and Wastewater.
6. Many Cape Towns, and even the County, are looking to add Housing Professionals. It will take us time to find the right candidate. If we don't approve Article 17 now, we will be yet another year behind.
7. \$115,000 seems like a lot of money but this includes the benefits. The actual salary being offered is consistent with what other Cape Towns are offering for the same job. By combining the Housing Specialist position with the CPA, we can use CPA funds to help offset the cost to taxpayers.
8. There is additional State and Federal grant money available to support affordable housing. Our expectation is that a Housing Specialist will be able to bring new dollars to help the effort in Wellfleet.

ARTICLE 25

The pandemic-era Free School Meals funding is set to expire in June 2023. At this point there is no legislation on the State or the Federal Level ensuring that Universal Free Meals in the schools will continue during the 2023-2024 school year, so the buck has been passed down to municipalities in Massachusetts to ensure that kids are receiving proper substantial healthy meals. This is in face of the fact that one out of five families with children in Massachusetts currently face food insecurity. We are supporting this article to provide free school meals to all Wellfleet students regardless of income or emergency. In doing so, we can promote student health and achievement, decrease “free lunch stigma”, and reduce paperwork for school administrators.

Universal free meals will help ensure that all children have the nutrition they need to grow and thrive and will help overcome the numerous barriers that limit participation. Implementing Healthy School Meals for All accomplishes the following goals:

- ensures access to nutritious meals to all students as a key educational and health support.
- eliminates the tiered eligibility system that limits participation for too many children whose families are struggling to make ends meet (the income limit to qualify for free lunch for a family of four in Massachusetts is \$36,075)
- reduces the stigma associated with participating in school meals.
- eliminates school meals debt.
- and significantly reduces the administrative work required to operate the School Nutrition Programs and improves school nutrition finances.

All children need a nutritious breakfast to start the school day ready to learn, and a nutritious lunch to continue learning through the afternoon until the school bell rings. School breakfast and lunch offer an important opportunity to make sure that every child has the nutrition they need in order to excel in school. Students who are sitting in class hungry, because they were unable to participate in school lunch or breakfast, are missing out on the chance to learn. These meals are just as important to students’ academic success as textbooks or transportation.

Extensive research has linked participation in school meals to several benefits:

- improving academic achievement, standardized test scores, and cognitive function
- improving attendance, which is positively linked to academic achievement.
- reducing food insecurity, which is linked to poor academic outcomes.
- improving nutrition by increasing the consumption of fruit, vegetables, and milk

Effect on Property Taxes:

This article would cost approximately \$20 per year for owners of a median priced home assessed at \$789,700.

This article carries special significance in Wellfleet, as our complicated housing crisis squeezes year-round working families and any attempt to mitigate these financial pressures on families will pay dividends in terms of financial stability and well-being. The pandemic has highlighted the critical role that school meals play in supporting education and health, particularly for children whose households earn low incomes. They will be an important support as the nation recovers from the educational, health, and economic impacts of the pandemic. Offering meals to all students at no charge would ensure that every child in the Wellfleet has access to the nutritious school breakfast and lunch that can help improve outcomes in food security, academics, and health. Let’s pass this article to ensure that all of our children — regardless of income — are ready to learn and thrive.



Proposed WELLFLEET SCHOLARSHIP FUND

Proposed WELLFLEET SCHOLARSHIP FUND

A Citizen Petition was submitted to the town to establish the **TOWN OF WELLFLEET SCHOLARSHIP FUND (FUND)** at the Cape Cod Foundation. The Petition requests year-one funding of \$100,000. This is an opportunity for the citizens of Wellfleet to support students from middle and lower-income families. The main reason students do not complete college is financial. This program will not eliminate the need for most of our students to incur college debt. However, it will help our students to graduate with less debt. It will also reduce dropout rates and allow more students to obtain degrees.

This program calls for The Cape Cod Foundation (CCF) to manage the FUND. The Foundation is a nonprofit 501c3 organization which has been serving the Cape Cod community for 34 years. The staff engage volunteer committees comprised of Cape residents to review applications to determine which students meet the criteria for a specific scholarship. [2023-SCHOLARSHIP-LISTINGS-BOOKLET-FINAL.pdf \(ccfoundation.wpenginepowered.com\)](#)

MORE DETAILS

- Applicants must demonstrate financial need & academic merit and plan to or currently attend an accredited non-profit educational institution. This includes 4-year colleges, community college, nursing, tech, art, and other colleges. Financial need will be demonstrated in accordance with best practices currently through completing a Free Application for Student Assistance (FAFSA) Form.
- In accordance with an agreement that will be made with the Town, The CCF will manage the scholarship program for an annual fee of \$250.
- The town will be authorized to enter into a one-year agreement with the CCF.
- CCF staff provides assistance to students and parents during the application process. Scholarship payments are made directly to the college or institution.
- The CCF will provide an annual financial report to the Town listing the awards, cost, and other data. The report will also estimate the funding shortfall.
- Last year the family of the average Wellfleet applicant for scholarships (managed by the CCF) could afford \$11,400 for college. The cost to attend U. Mass Amherst is more than \$34,000. Many private colleges cost more than twice this amount.
- If approved this program would add approximately \$22 to the average annual residential tax bill.
- The CCF welcomes a Wellfleet resident who would volunteer to serve on the scholarship committee. This volunteer would be optional.

PLEASE vote “**YES**” on **Article 42** to support the **students of Wellfleet**.

Bill Dugan

Motion for Article 42

TOWN OF WELLFLEET SCHOLARSHIP PROGRAM

Motion: I move that the Town vote to establish a Town of Wellfleet Scholarship for students

who are residents of Wellfleet, as follows:

- a) Applicants must demonstrate financial need and academic merit and plan to or currently attend an accredited non-profit educational institution. Financial need will be demonstrated in accordance with industry best practices for determining financial need, currently through completing a Free Application for Federal Student Aid (FAFSA) form.
- b) An agreement will be negotiated between the Town of Wellfleet Selectboard and The Cape Cod Foundation (CCF) to manage the scholarship program for a \$250 annual fee in accordance with the CCF fee policy for a non-permanent fund not held in its investment pool. The CCF invites a Wellfleet resident to volunteer to serve on the CCF scholarship committee. This volunteer position is optional.
- c) Payment by the Town to The CCF will be made by March 1, 2024, with scholarship selection by June 30, 2024. All scholarship payments will be made directly to the college or educational institution. The CCF will provide an annual financial report to the Town Selectboard.
- d) In future years, the Wellfleet Selectboard will recommend an appropriation for this scholarship program, which would be included in the proposed Town budget.

And to raise and appropriate \$100,000 for the first year of this scholarship program, 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.

Majority Vote Required



PROPOSED MOTIONS
Annual Town Meeting
April 29, 2023

These motions were prepared by the Town Administrator as a guide for persons desiring to offer affirmative motions under each article and are not meant to preclude the offering of alternate motions.

SECTION I: BUDGET ARTICLES

Article No 1 - FY 2024 OPERATING BUDGET WITH OVERRIDE AMOUNT.

Motion: I move that the Town vote to appropriate the sum of \$27,984,533.00 for the Selectboard’s Fiscal Year 2024 Town Operating Budget as set forth in full in the budget handout attached as Appendix A to the warrant, with the exception that \$458,446.00 from Budget 710 (L/T Principal) and \$95,183.00 from Budget 751 (L/T Interest) be transferred into Budget 301 (Nauset Regional School District) such that the new subtotal for L/T Principal and Interest is reduced to \$1,963,300.00 and the new subtotal for Nauset Regional School District is increased to \$3,993,783.00, with each item to be considered a separate appropriation, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2024, and including appropriating the full amounts assessed to the Town for Nauset Regional School District and Cape Cod Regional Technical High School District budgets for Fiscal Year 2024, and that the total amount of \$27,984,533.00 be funded as follows:

Raise and Appropriate		\$26,676,213.00
Beach Fund		\$957,920.00
Transfer Station/SEMASS Fund		\$271,000.00
Recreation Fund		\$69,400.00
Cemetery Fund		\$10,000.00
Grand Total		\$27,984,533.00

provided, however, that of that amount, the appropriation of \$635,192.00 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.

Article No. 2 - PRIOR YEAR INVOICES. (4/5 vote required)

Motion: I move that the Town appropriate the amounts printed in the warrant under Article No. 2, from the sources and for the purposes stated, to pay bills of a prior fiscal year.

Vendor	Source	Line-item	Amount
Fowler & Sons	DPW	420	\$225.00
M.A. Frazier Inc.	DPW	420	\$444.45
Peggy Sagan (Survey Monkey Reimbursement)	Open Space	177	\$408.00
Greenbacker (Solar)	Free Cash	FC	\$25,364.56
P.M. Environmental	Marina	260	\$650.00
Barnstable County Hazardous Materials Program	BOH	510	\$2,090.44
Segal Consulting	Treasurer	145	\$5,050.00
Powers & Sullivan	Audit	121	\$5,000.00
Kaleidoscope Imprints	Free Cash	FC	\$2,874.10
United Site Services	Free Cash	FC	\$750.00
Grand-total			\$42,856.55

Article No. 3 - FY 2023 BUDGET TRANSFERS.

Motion: I move that the Town approve the Fiscal Year 2023 Operating Budget transfers, as printed in Article No. 3 of the warrant.

	From (Decrease)	Line Item	To (Increase)	Line Item	Amount
a.	General Administration-Salaries	124	General Administration-Expenses	124	\$ 4,000
b.	Reserve Fund (Finance)	132	Property / Liability Insurance-Expenses	945	\$ 14,000
c.	Reserve Fund (Finance)	132	Accountant-Salaries	135	\$ 44,000
d.	Maurice's	STM22/Art 8	Legal-Expenses	151	\$ 40,000
e.	Police-Salaries	210	Legal-Expenses	151	\$ 60,000
f.	Fire-Salaries	220	Stipends - Health Insurance	917	\$ 14,200
g.	Snow and Ice	423	Marina Gas/Diesel	260	\$ 40,000
h.	DPW-Salaries	420	DPW Facilities-Expenses	417	\$ 30,000

i.	DPW-Expenses	420	Consultancy-Salaries	196	\$ 35,000
j.	Treasurer Expenses	145	Treasurer-Wages	145	\$ 5,000
k.	Transfer Station-Expenses	433	Workers Comp Insurance-Expenses	912	\$ 2,265
l.	Transfer Station-Expenses	433	Town Share Health Savings Account	918	\$ 2,000
m.	Human Services-Unallocated	520	Town Administrator-Salaries	123	\$ 4,700
n.	Human Services-Unallocated	520	Tax Work-Off-Expenses	940	\$ 13,000
o.	Group Health Insurance	914	Consultancy-Salaries	196	\$ 75,000
p.	Recreation Revolving Fund		Recreation-Operating	630	\$ 3,300
q.	Beach Fund		Beaches	699	\$ 21,672
r.	Treasurer Expenses	145	Unemployment Expenses	913	\$ 10,000
s.	Short Term Interest	753	Unemployment Expenses	913	\$ 30,000
t.	Parking Clerk - Expenses	693	Parking Clerk - Salaries	693	\$ 150
	Grand-Total				\$ 448,287

Article No. 4 - FY 2024 CAPITAL BUDGET.

Motion 4A: I move that the Town vote to approve those items to be funded through the tax levy, transferred from available funds or as capital exclusion ballot questions for the Fiscal Year 2024 Town Capital Budget as printed in the warrant under Article No. 4, for an appropriation of \$1,437,300.00, to be funded as follows:

- Raise and appropriate the sum of \$474,000.00 for the purposes and in the amounts as printed in the warrant under Article No. 4 for items labeled 1a, 8a, 8b, 10a, 10c, 10j, 10k, 12c, and 13b.
- To transfer from available funds the sum of \$763,300.00 for the purposes and in the amounts as printed in the warrant under Article No. 4 for items labeled 2a, 2b, 3a, 5a, 9a, 9c, 10b, 10e, 10g, 10h, 10i, and 12b, except that the amount to be transferred from Free Cash is increased by \$17,000.00 to \$437,000.00 and the amount to be transferred from Shellfish Fund is reduced by \$17,000.00 to \$25,000.00; and

Transfer from Free Cash		\$437,000.00
Transfer from Shellfish Fund		\$25,000.00
Transfer from Shellfish Revolving Fund		\$12,000.00
Transfer from Recreation Fund		\$20,300.00
Transfer from Beach Fund		\$11,000.00
Transfer from Ambulance Fund		\$163,000.00

Transfer from DPW Interior Paint Article No. 3 of the 2014 Annual Town Meeting		\$5,000.00
Transfer from Fire Dept. Flooring Article No. 3 of the 2015 Annual Town Meeting		\$5,000.00
Transfer from Library Flooring Article No. 3 of the 2016 Annual Town Meeting		\$31,000.00
Transfer from Herring River Handrail Article No. 3 of the 2013 Annual Town Meeting		\$21,000.00
Transfer from Herring River Concrete Article No. 3 of the 2013 Annual Town Meeting		\$33,000.00

- To raise and appropriate the sum of \$200,000.00 for the purposes and in the amounts as printed in the warrant under Article No. 4 for items labeled 4a and 11a; provided, however, that said \$200,000.00 appropriation shall be directly contingent upon approval by the voters of a Proposition 2 ½, so called, capital outlay exclusion question allowing such funds to be raised outside the levy limit.

Motion 4B (2/3 vote required)

I move that the Town vote to approve those items to be funded by borrowing and debt exclusion ballot questions for the Fiscal Year 2024 Town Capital Budget as printed in the warrant under Article No. 4, and further, that the Town vote to raise and appropriate the sum of \$2,915,000.00 for the purposes and in the amounts as printed in the warrant under Article No. 4 for items labeled 6a, 6b, 6c, 7a, 7b, 9b, 10d, 10f, 12a, 13a, and 13c, and to meet this appropriation, that the Treasurer, with the approval of the Selectboard, be authorized to borrow all or a portion of said sum pursuant to G.L. c. 44, Section 7, or any other enabling legislation 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.

Article No. 5 - FY 2024 MARINA ENTERPRISE BUDGET.

Motion: I move that the Town vote to appropriate the total sum of \$641,000.00 to operate the Fiscal Year 2024 Marina Enterprise Fund, as printed in the warrant under Article No. 5, with such sums to be raised within the Marina Enterprise Fund revenues.

Article No. 6 - FY 2024 Water Enterprise Budget.

Motion: I move that the Town vote to appropriate the total sum of \$435,778.00 to operate the fiscal year 2024 Water Enterprise Fund as printed in the warrant under Article No. 6, with such sums to be raised as follows:

- \$179,000.00 to come from Water Enterprise Fund revenues,

- \$256,778.00 to be raised and appropriated in the tax levy.

Article No. 7 - WELFLEET POLICE OFFICERS UNION CONTRACT.

Motion: I move that the Town vote to raise and appropriate the sum of \$98,500.00 to pay costs of funding the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 8 - WELFLEET COMMUNICATIONS UNION MASS COPS LOCAL 326B CONTRACT.

Motion: I move that the Town vote to raise and appropriate the sum of \$25,100.00 to pay costs of funding the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Communications Union MASS COPS Local 326B beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 9 – TEAMSTERS UNION LOCAL 59 CONTRACT.

Motion: I move that the Town vote to raise and appropriate sum of \$_____.00 to pay costs of funding the first year of the collective bargaining agreement between the Town of Wellfleet and the Teamsters Union Local 59 beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 10 – WELFLEET PERMANENT FIREFIGHTERS ASSOCIATION UNION LOCAL 4342 CONTRACT.

Motion: I move that the Town vote to raise and appropriate the sum of \$_____.00 to pay costs of funding the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Permanent Firefighters Association Union Local 4342 Contract beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 11 - WELFLEET EMPLOYEE ASSOCIATION, UNIT A UNION CONTRACT.

Motion: I move that the Town vote to raise and appropriate the sum of \$_____.00 to pay costs of funding the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employee Association, Unit A Union beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 12 - WELFLEET EMPLOYEE ASSOCIATION, UNIT B UNION CONTRACT.

Motion: I move that the Town vote to raise and appropriate the sum of \$_____00 to pay costs of funding the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employee Association, Unit B Union beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 13 - WELFLEET EMPLOYEE ASSOCIATION, UNIT C UNION CONTRACT.

Motion: I move that the Town vote to raise and appropriate the sum of \$_____00 to pay costs of funding the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employee Association, Unit C Union beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 14 - NON-UNION AND OTHER PERSONNEL SALARIES & COMPENSATION.

Motion: I move that the Town vote to raise and appropriate the sum of \$12,264.00 to pay costs of funding wage and salary adjustments for non-union personnel beginning July 1, 2023, and further to authorize the Town Accountant to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Article No. 15 – OTHER POST-EMPLOYMENT BENEFITS.

Motion: I move that the Town vote to raise and appropriate the sum of \$200,000.00 to be added to the Other Post-Employment Benefits Liability Trust Fund.

Article No. 16 – TRANSFER TO THE STABILIZATION FUND.

Motion: I move that the Town vote to transfer the sum of \$639,200.00 from Free Cash to the Stabilization Fund.

SECTION II: ADDITIONAL FINANCIAL ARTICLES
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Article No. 17 – HOUSING/COMMUNITY PRESERVATION ACT SPECIALIST NEW STAFF.

Motion: I move that the Town vote to raise and appropriate the sum of \$115,000.00 to pay the costs of funding a new housing specialist position, and all associated costs, effective July 1, 2023, 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 amount to be raised outside of the levy limit.

Article No. 18 – WASTEWATER/WATER SUPERINTENDENT NEW STAFF.

Motion: I move that the Town vote to raise and appropriate the sum of \$145,000.00 to pay the costs of funding a new Wastewater/Water Superintendent, beginning July 1, 2023, 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.

Article No. 19 – FIRE DEPARTMENT NEW STAFF

Motion: I move that the Town vote to raise and appropriate the sum of \$221,400.00 to pay the costs of funding two new Firefighter/EMT/Paramedic positions, beginning July 1, 2023, 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.

Article No. 20 – WELLFLEET NATURAL RESOURCE ADVISORY BOARD CONSULTANT:

Motion: I move that the Town vote to transfer from Free Cash the sum of \$10,000.00 for the purpose of hiring a consultant to prepare a scope of work, bid documentation, and an estimated project cost associated with conducting a field survey or related study of the fauna and flora in Wellfleet Harbor, as a basis for future actions to preserve and enhance this environment,

Article No. 21 – PRESCHOOL VOUCHER PROGRAM EXTENSION:

Motion: I move that the Town vote to raise and appropriate the sum of \$175,000 for the purpose of funding a Preschool Voucher Program Extension extending the to include paying the cost of preschool/daycare for children under the age of three years old of Wellfleet residents or employees, provided, however that no sums shall be expended hereunder unless and until the Town shall have voted to assess an additional \$175,000 in real estate and personal property taxes pursuant to the provisions of G. L. c. 59, §21C (Proposition 2½).

Article No. 22 – OPIOID SPECIAL PURPOSE FUND (2/3 vote):

Motion: I move that the Town vote pursuant General Laws Chapter 40, Section 5B to create an Opioid Settlement Stabilization Fund; and further to accept the fourth paragraph of G.L. c. 40, Section 5B which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund to be known as the Opioid Settlement Stabilization Fund, and further, to see if the Town will dedicate 100 percent of the receipts received by the Town pursuant to any opioid litigation settlement to the Opioid Settlement Stabilization Fund, said dedication to be effective for the fiscal year beginning on July 1, 2024.

Article No. 23 – PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) ACCESS AND CABLE RELATED FUND (Consent Calendar):

Motion: I move that the Town vote to appropriate the sum of \$140,000 from the PEG Access and Cable Related Fund, created pursuant to the provisions of M.G.L. Chapter 44, Section 53F3/4 for the purpose of funding the Town’s public access studio and cable-related expenditures for fiscal year 2024.

Article No. 24 - SHELLFISH FUND SPENDING LIMIT (CONSENT CALENDAR).

Motion: I move that the Town vote to set the Fiscal Year 2024 spending limit for the Shellfish Propagation Revolving Fund at the sum of \$60,000.00.

Article No. 25 – SCHOOL BREAKFAST / LUNCH PROGRAM

Motion: I move that the Town vote to raise and appropriate \$100,500 for the purpose of funding the School Breakfast/Lunch Program for Wellfleet students at Wellfleet Elementary School and at the Nauset Regional Middle and High Schools, provided, however that no sums shall be expended hereunder unless and until the Town shall have voted to assess an additional \$100,500 in real estate and personal property taxes pursuant to the provisions of G. L. c. 59, §21C (Proposition 2½).

Article No. 26 – SELECTBOARD STIPEND

Motion: I move that the Town vote to increase the Selectboard annual stipend from \$2,500 per member to \$5,000 per regular member and \$7,000 for the chair, and further, that the Town vote to raise and appropriate \$14,500 for the purpose of funding said increased stipends to the Selectboard, provided, however that no sums shall be expended hereunder unless and until the Town shall have voted to assess an additional \$14,500 in real estate and personal property taxes pursuant to the provisions of G. L. c. 59, §21C (Proposition 2½).

SECTION III: COMMUNITY PRESERVATION ARTICLES

Consent Calendar Articles No. 27-34

Motion: I move that Article nos. 27-34 be accepted and adopted with the wording of the motions for each article to be as printed in the motion’s booklet.

Article No. 27 - COMMUNITY PRESERVATION – ADMINISTRATIVE EXPENSES, DEBT SERVICES AND ALLOCATION OF RESERVES.

Motion: I move that the Town vote to:

- a) set aside from the Community Preservation Fund estimated annual revenues for later spending the sum of \$78,688.00 for open space, the sum of \$78,688.00 for historic preservation, the sum of \$78,688.00 for community housing, and the sum of \$39,334.00 to meet the administrative expenses and all other necessary and proper

expenses of the Community Preservation Committee for Fiscal Year 2024, pursuant to G.L. c. 44B, Section 6;

- b) Appropriate from the Community Preservation Fund estimated annual revenues the sum of \$25,000.00 to fund a portion of the annual debt service obligations for the purchase of Maurice's Campground, as previously approved by the September 2022 Special Town Meeting; and
- c) Set aside the sum of \$513,330.00 to be placed in the 2024 Budgeted Reserve for general Community Preservation Act purposes.

Article No. 28 - COMMUNITY PRESERVATION – 95 LAWRENCE ROAD.

Motion: I move that the Town vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2024 Projected Surcharge revenues a sum of \$513,330.00 and from the Undesignated Fund Balance a sum of \$486,670.00 for a total sum of \$1,000,000.00 to contribute to the cost of, and thereby support, the construction of 46 community housing units at 95 Lawrence Rd. by the Preservation of Affordable Housing (POAH) and the Community Development Partners (CDP) and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof.

Article No. 29 - COMMUNITY PRESERVATION – DOWN PAYMENT ASSISTANCE PROGRAM.

Motion: I move that the Town vote to appropriate the sum of \$53,668 from the Community Preservation Fund FY 2024 projected surcharge revenue and the sum of \$46,332.00 from the Undesignated Fund balance for a total of \$100,000.00 for the purpose of providing funds through the Wellfleet Housing Authority to help with closing costs, down payments, and necessary repairs authorized by the Housing Authority to assist low and moderate income eligible first-time homebuyers with the purchase of workforce or affordable housing for within the Town of Wellfleet, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof.

Article No. 30 – COMMUNITY PRESERVATION – ORLEANS AFFORDABLE HOUSING:

Motion: I move that the Town vote, pursuant to MGL c.44B, to appropriate the sum of \$20,000.00 from the Community Preservation Fund undesignated fund balance for the purpose of contributing to Penrose LLC, for the cost of, and thereby support, construction of 62 rental units, including 52 affordable units and 10 workforce units, to be located at 19 West Rd., Orleans, Massachusetts, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof.

Article No. 31 - COMMUNITY PRESERVATION – LOWER CAPE HOUSING INSTITUTE

Motion: I move that the Town vote to appropriate the sum of \$7,500.00 from Community Preservation Fund Undesignated Fund balance to contribute to the cost of, and thereby support community housing, through the continuance of the Community

Development Partnership sponsored Lower Cape Housing Institute in Fiscal Year 2024 and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions of thereof.

Article No. 32 – COMMUNITY PRESERVATION – ACCESSIBILITY TO PONDS AND BAY BEACHES:

Motion: I move that the Town vote, pursuant to MGL c.44B, to appropriate the sum of \$32,760.00 from the Community Preservation Undesignated Fund Balance for the purpose of purchasing and installing mobility mats to create better access at four beach locations and for the purpose of installing a sunshade at Mayo Beach for the preservation and rehabilitation of land for recreational use, and to authorize the Selectboard to enter into a grant agreement with Wellfleet Community Services and the Wellfleet Commission on Disabilities to set forth the terms and conditions thereof.

Article No. 33 – COMMUNITY PRESERVATION – ADULT COMMUNITY CENTER LANDSCAPE:

Motion: I move that the Town vote, pursuant to MGL c.44B, to appropriate the sum of \$9,890.00 from the Community Preservation Fund Budgeted Reserve for the purpose of improvements to garden landscaping and therefore to support the preservation of open space, surrounding the Adult Community Center at 715 Old King’s Highway and to authorize the Selectboard to enter into a grant agreement with the Wellfleet Adult Community Center and the Friends of the Council on Aging to set forth the terms and conditions thereof.

Article No. 34 – COMMUNITY PRESERVATION – BANDSTAND PAVILION (MARINA)

Motion: I move that the Town vote, pursuant to MGL c.44B, to appropriate the sum of \$63,843 from the Community Preservation Fund Budgeted Reserve for the purpose of installing a pavilion for the bandstand at the marina, and therefore to preserve and rehabilitate land for recreational use, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof.

Article No. 35 – LEASE OF TOWN PROPERTY – BEACH WESTERLY OF TOWN PIER (2/3 vote required):

Motion: I move that the Town vote to transfer the care, custody, management, and control of a portion of Town-owned parcel located at 255 Commercial Street as shown on Assessors Map 21, Parcel 114, 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 lease with one or more entities for the non-exclusive use of said land, 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.

Article No. 36 – TO ACQUIRE AN EASEMENT OFF OLD CHEQUESSETT NECK ROAD (Majority Vote):

Motion: I move that the Town vote to authorize the Selectboard to acquire an easement for the purpose of installing, constructing, operating, maintaining and repairing an access road, for vehicular and pedestrian traffic, from Old Chequessett Neck Road to property of the United States of America (Cape Cod National Seashore), on a portion of property of Wellfleet Conservation Trust, or the current owner thereof, said property known as 575 Old Chequessett Neck Road, Wellfleet, being Assessor’s Map 19, Lot 6, shown as “Wellfleet Conservation Trust to Town of Wellfleet Easement” on a plan entitled “Sketch Plan of Land ‘Old Chequessett Neck Road’ Wellfleet, MA,” dated September 2, 2022, prepared by Outermost Land Survey, Inc., a copy of which is on file with the Town Clerk, as said plan may be amended, on such terms and conditions as the Selectboard deems to be in the best interests of the Town, and to execute any and all documents and instruments necessary or convenient to carry out the purposes of this article.

Article No. 37 – GENERAL BYLAW AMENDMENT – COUNCIL ON AGING ADVISORY BOARD (Majority vote):

Motion: I move that the Town vote to amend Chapter 13, Article II, Section 13-2 and 13-3 of the General Bylaws of the Town of Wellfleet by deleting any text that is ~~struck through~~ and inserting any text that is underlined as follows:

Section 13-2. Name and composition

There shall be a board known as the Council on Aging Advisory Board consisting of ~~eleven~~ nine residents of the Town of Wellfleet appointed by the ~~Board of Selectmen~~ Selectboard. Appointments shall be for a term of three years except that initial appointments shall be for shorter terms to ~~insure~~ ensure that the terms of one third of the Board members expire each year thereafter.

Section 13-3. Responsibilities

The Board shall, in consultation with the Director of Community Services

- a) Identify the over sixty-year-old population of the Town of Wellfleet that are eligible for services.
- b) Ascertain the needs of this segment of the population.
- c) Educate the community about these needs.
- d) Enlist the support and participation of all citizens in programs to meet these needs.
- e) Assist the Wellfleet Director of Community Services to design, develop and implement services to fill these needs and/or enhance existing services; and
- f) Support and advocate for Council on Aging programs and budget with the town administration and ~~Board of Selectmen~~ Selectboard.

Article No. 38 – GENERAL BY-LAW AMENDMENT – SPECIALIZED ENERGY CODE (Majority Vote):

Motion: I move that the Town vote to repeal Chapter 124 (Building Construction), Article II of the Town of Wellfleet General Bylaws, and replace it with an Article entitled “Specialized Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including amendments or modifications thereto, with an effective date of January 1, 2024.

Chapter 124, Article II
SPECIALIZED ENERGY CODE

124-2 Definition

124-3 Purpose

124-4. Applicability

124-5. Stretch Code

124-2 Definitions:

International Energy Conservation Code (IECC) -The International Energy Conservation Code {IECC} is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

Specialized Energy Code -Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code {IECC} to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

Stretch Energy Code – Codified by the combination of 225 CMR 22 and 231, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

124-3 Purpose:

The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

124-4 Applicability:

This energy code applies to residential and commercial buildings.

124-5 Specialized Code:

The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any amendments, or modifications, is herein incorporated by reference into the Town of Wellfleet General Bylaws, Chapter 124, Article II.

The Specialized Code is enforceable by the inspector of buildings or building commissioner.

Article No. 39 – GENERAL BY-LAW AMENDMENT – DEMOLITION DELAY (Majority Vote):

Motion: I move that the Town vote to repeal General Bylaw, Chapter 156, Article I, Demolition Delay, by deleting the existing Chapter 156 in its entirety and replacing it with the following:

Chapter 156. Historic Properties and Districts

ARTICLE I. Demolition Delay

§ 156-1. Purpose.

The purpose of this ordinance is to protect from demolition historically significant buildings which reflect the historical, cultural, or architectural heritage of the Town of Wellfleet, and to encourage the owners of such buildings to explore and develop acceptable alternatives to demolition such as preservation, renovation, restoration or relocation.

§ 156-2. Definitions.

APPLICANT

Any person or entity who files an application for a building permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application their assent to the filing of the application.

BUILDING

Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER

The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

COMMISSION

The Historical Commission, established by vote of the Town pursuant to Article 54 of the 1980 Annual Town Meeting.

DEMOLITION

The act of pulling down, destroying, removing, or razing a building, in whole or in part (including the demolition of exterior walls or roof), or commencing such work with the intent of completing the same, all as determined by the Building Inspector; provided, however, that the term “demolition” shall not include the ordinary maintenance or repair of any building. In addition, the term “demolition” defined under this bylaw section shall include the act of enclosing or encapsulating an existing building within new exterior walls or roofed areas.

DEMOLITION PERMIT

The building permit issued by the Building Commissioner for the demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED

Any significant building or structure which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the eighteen-month demolition delay period of this bylaw.

SIGNIFICANT BUILDING OR STRUCTURE

- A. Any building or structure listed on the National or State Register of Historic Places, or which has been found eligible for such a listing;
- B. Any building or structure constructed in whole or in part 75 years or more prior to the date of application for a demolition permit; or
- C. Any building or structure:
 - 1. that is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
 - 2. that is historically or architecturally significant in terms of period, style, method of building construction, or association with a recognized architect or builder, either by itself or in the context of a group of buildings.

WELLFLEET STREET SURVEY INDEX

A list or register of buildings and structures which are potentially historically, culturally or architecturally significant and located within the Town of Wellfleet, created and updated from time to time by Historic Preservation Consultants.

§ 156-3. Review and decision procedure.

- A. An applicant proposing to demolish, in whole or in part a building or structure subject to this bylaw shall file with the Building Commissioner an application containing the following information:
 - 1. The address of the building to be demolished.
 - 2. The owner’s name, address, and telephone number.
 - 3. A description of the building.
 - 4. The reason for requesting a demolition permit.
 - 5. A brief description of the proposed reuse, reconstruction, or replacement; and

6. A photograph or photograph(s) of the building, including all elevations.
- B. The Building Commissioner shall forward a copy of all proposals to demolish in whole or in part buildings or structures that are potentially significant or are referenced in the Wellfleet Street Survey Index, within ten (10) days of receipt of an application for buildings listed on that Index to the Commission.
- C. The Commission or its designee shall, within fifteen (15) days after receipt of the application, inform the Building Commissioner if the building or structure is significant and therefore subject to the hearing process.
- D. Upon determination that the building or structure is not significant, the Commission or its designee shall advise the Building Commissioner and applicant in writing within fifteen (15) days after receipt of the application. The Building Commissioner may then issue the demolition permit.
- E. Upon determination by the Commission or its designee that the building or structure is significant within fifteen (15) days after receipt of the application, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time.
- F. If the Commission finds that the building or structure is significant, it shall hold a hearing within forty-five (45) days of the written notification to the Building Commissioner. The public hearing will be held to determine if the intended demolition would materially diminish the building or structure's significance and/or be detrimental to the historical, cultural, or architectural heritage of the town, and to explore alternatives to demolition.
- G. Notice of the time, place and subject matter of hearings hereunder shall be given by publication in a newspaper of general circulation in the Town once a week for two (2) successive weeks, the first notice to appear at least fourteen (14) days before the day of the hearing (including the day of publication and excluding the day of the hearing) and by mailing a notice of hearing to the owner or applicant, all abutters to the subject property, the Planning Board, Historical Society, Conservation Commission, and such other persons as the Board may determine.
- H. Within fourteen (14) working days after the public hearing, the Commission shall decide whether the building or structure shall be preferably preserved. If the Commission determines that the building or structure is not preferably preserved, the Commission or its designee shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.
- I. If the Commission determines that the building or structure shall be preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of eighteen (18) months from the date of the determination, to afford the applicant and the Commission time to develop alternatives to demolition.
- J. Upon a determination by the Commission that a building or structure is preferably preserved, no building permit for alterations to the building shall be issued for a period of eighteen months from the date of determination, unless otherwise agreed to by the Commission except for alterations to the interior of the building or to perform repairs necessary to address immediate threats to safety or to secure the historic building from the elements.

- K. The Commission encourages Applicants to submit revised plans and request a review meeting with the Commission at any time during the 18-month demolition delay period. The Building Commissioner may issue a demolition permit prior to the end of the mandated delay upon receipt of written notice from the Commission that a viable compromise to preserve, renovate, restore or relocate the building or structure has been reached with the Applicant at a duly advertised public hearing. Serious efforts on the part of the Applicant to develop alternatives to demolition will facilitate such a compromise.
- L. If at the end of a Commission-mandated delay, the Commission has not notified the Building Commissioner that an alternative has been agreed to by the owner or applicant, the Building Commissioner, may then issue the demolition permit.

§ 156-4 Emergency demolition.

If after an inspection, the Building Commissioner finds that a building or structure subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Commissioner may issue an emergency demolition permit to the owner of the building. The Building Commissioner shall then prepare a report explaining the condition of the building and the basis for his decision, which shall be forwarded to the Commission.

§ 156-5 Administration.

- A. The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.
- B. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

§ 156-6. Enforcement.

The Building Commissioner shall be authorized to enforce the provisions of this bylaw and to institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance, including injunctive relief to enjoin and restrain any violations or threatened violations thereof.

§ 156-7. Violations and penalties.

- A. Anyone who undertakes demolition of a preferably preserved building or structure without first obtaining a demolition permit in accordance with the provision of this bylaw shall be subject to a fine of not more than three hundred dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful recreation of the demolished building is completed or unless otherwise agreed to by the Commission.
- B. If a building or structure subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land, unless the building permit is for the faithful recreation referred to above or unless otherwise agreed to by the Commission.

§ 156-8. Severability.

If any provision of this bylaw is determined to be invalid or unconstitutional by any court of competent jurisdiction, said determination shall not affect the validity of any other section hereof.

§ 156-9. Historic District Act.

If any provisions of this bylaw conflict with Massachusetts General Laws Chapter 40C, the Historic District Act, that Act shall prevail.

Article No. 40 – ZONING BY-LAW AMENDMENT – FLOODPLAIN DISTRICT

(2/3 Vote required):

Motion: I move that the Town vote to amend the Wellfleet Zoning By-Laws by repealing the existing Chapter 235-6.13, Floodplain District Zoning Regulation, in its entirety and replacing it with the new Chapter 235-6.13 as follows:

6.13 FLOODPLAIN DISTRICT ZONING REGULATION

(Added 4/30/85 ATM, Art. 56. Amended 4/28/14, Art. 45.)

6.13.1 Floodplain District - The Floodplain District is herein established as an overlay district.

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury.
- 2) Eliminate new hazards to emergency response officials.
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
- 5) Eliminate costs associated with the response and cleanup of flooding conditions.
- 6) Reduce damage to public and private property resulting from flooding waters;
and
- 7) Adaptation to climate change to satisfy the public interest and natural floodplain functions.

The district includes all special flood hazard areas within the Town of Wellfleet designated as Zone A, AE, AO, AH or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program dated July 16, 2014. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the district may be defined by the 1% chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Commissioner and the Conservation Commission. The underlying permitted uses are allowed, provided they meet the following additional requirements, as well as those of the Massachusetts State Building Code dealing with construction within Floodplain (780 CMR).

6.13.2 Definitions

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis.
- (b) 400 square feet or less when measured at the largest horizontal projection.
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

6.13.3 Abrogation

The floodplain management provisions found in this Floodplain Overlay District Bylaw shall take precedence over and shall supersede any less restrictive, conflicting local bylaws, codes or regulations of the Town of Wellfleet.

6.13.4 Degree of Protection

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

6.13.5 Severability

The degree of flood protection required by this Floodplain Overlay District Bylaw is based on reasonable scientific and engineering considerations but does not imply total flood protection. This Bylaw shall not create liability on the part of the Town of Wellfleet or any officer or employee thereof for any flood damage that may result from reliance on the provisions hereof, or from any administrative decision made hereunder.

6.13.6 Designation of community Floodplain Administrator

The Town of Wellfleet hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.

- 6.13.7 The Town of Wellfleet requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- 6.13.8 Wellfleet's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must submit the completed checklist demonstrating that all necessary permits have been acquired.
- 6.13.9 Requirement to submit new technical data.
If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:
- FEMA Region, I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110
- And copy of notification to:
- Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA
02114
- 6.13.10 In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:
- Adjacent Communities, especially upstream and downstream
 - Bordering States, if affected
 - NFIP State Coordinator
- Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor, Boston, MA 02114
- NFIP Program Specialist
- Federal Emergency Management Agency, Region I
99 High Street, 6th Floor, Boston, MA 02110

Article No. 41 – ZONING BY-LAW AMENDMENT – ACCESSORY DWELLING

UNIT (2/3 vote):

Motion: I move that the Town vote to amend its Zoning Bylaws, Chapter 235, Section 2.1 – Terms Defined; Section 5.3 - Use Regulations; and Section 6.21 – Accessory Dwelling Units by adding text that is shown as underlined and deleting text that is shown as ~~struck through~~, as follows:

Section 2.1 Definition- Dwelling Unit, Accessory- a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling or other principal structure that shall be leased year-round.

Section 5.3 Use Regulations

A. Residential

	C D	R1	R 2	NS P	C	C2
Bed and Breakfast	P	P	P	P	P	P
Boat House, Private	P	P	P	P	P	P
Camper	O	O	O	O	O	O
Cluster Residential Development	O	PB	P B	O	O	O
Conversion of Dwelling Unit	O	A	A	O	O	O
Dwelling, Multiple-Family	O	O	O	O	A	O
Dwelling, One-Family	P	P	P	P	P	P
<u>Dwelling Unit</u> , Accessory	P	P	P	A	P	P
Garage, Private	P	P	P	P	P	P
Guest House, Private	O	P	P	P	P	P
Home Occupation	P	P	P	P	P	P
Parking, Private	P	P	P	P	P	P
Personal Services (Business)	A	O	O	O	A	O
Roadside Stand, Temporary	O	P	P	O	P	P
Service Trade Home Business (STHB)	A	A	A	A	A	A
Signs ¹	P	P	P	P	P	P
Stable, Private ²	O	A	A	A	A	A
5.3.1 Residential (continued)	C D	R1	R 2	NS P	C	C2
Studio, Private	P	P	P	P	P	P

Swimming Pool/Tennis Court, Private	P	P	P	P	P	P
Trailer Home/Mobil Home	O	O	O	O	O	O

6.21 ACCESSORY DWELLING UNITS (ADU) (6/29/2021)

A. Purpose: To enable an increase of year-round housing opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs, and to support a stable and diverse year-round community and work force.

~~B. An~~ Accessory Dwelling Units, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws is are one or more additional dwelling units allowed on a single lot in all districts of the Town if in compliance with all Town, Commonwealth of Massachusetts and Federal statutes, by-laws and regulations where applicable, unless otherwise allowed by this bylaw.

(1) Accessory Dwelling Units are allowed either as a Detached Building, or as a separate dwelling unit within or attached to a Dwelling, a building used for a Principal Use; or within or attached to any Accessory Building, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

(2) Individual Accessory Dwelling Units shall be no larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

(3) In order to maintain its status as an accessory use to the principal use on the same lot, the ADU must be held in the same ownership as the principal use.

(4) The rights and requirements of this By-law and/or Special Permit, as they apply to each ADU, shall run with the land upon any transfer of ownership of a property containing an Accessory Dwelling Unit built under the provisions of this By-law.

(5) A property owner may choose to cease to use an Accessory Dwelling Unit by formally reporting its change in use to the agent designated by the Town Administrator to administer and monitor such units and altering it to meet the requirements of a permitted use. The agent will then register this change in use with the Building Inspector ~~Inspector~~ **Commissioner**, the Health Agent and the Town Assessor.

A. Procedure

(1) The property owner shall apply for a building permit and/or certificate of occupancy for ~~an~~ **each** ADU. The ~~Board of Health~~ **Health Department** shall also review and inspect ~~the~~ **each** ADU for compliance with the Health Code prior to the issuance of a certificate of occupancy. The Fire Department shall also inspect for working carbon monoxide detectors.

- (2) Prior to the issuance of a certificate of occupancy, the **each** ADU shall be registered with the agent designated by the Town Administrator who will administer and monitor such units, maintain a current record of such units and register them with the Town's Assessor, Building Department, and Health Department.

B. Monitoring

An Affidavit of Compliance signed by the property owner shall be submitted initially, when the unit is first occupied or used, and then annually, on September 1st or the nearest business day, to the agent designated by the Town Administrator to monitor and administer such Units to confirm that the Accessory Dwelling Unit or Units are being leased for a minimum of a year, and not otherwise leased or occupied for any other purpose, and that they shall be used as a dwelling, according to the standards and conditions of this By-law.

C. Enforcement and Penalties

Upon a written determination by the Building ~~Inspector~~ **Commissioner** that the property owner has failed to comply with these provisions, the property owner shall bring the unit or units into compliance within thirty (30) days of such written notice pursuant to Massachusetts General Law Chapter 40A Section 7. In addition, the Building ~~Inspector~~ **Commissioner** shall impose any and all fines and penalties referenced in Section 8.3 of these By-laws.

D. Opportunity for Affordable Housing Property Tax Exemption

A property owner who leases an Accessory Dwelling Unit affordably and in compliance with this By-law, as specified by the Special Act of 2010 and adopted by Wellfleet voters in May 2011 may apply to the agent designated by the Town Administrator to administer and monitor such units to receive an application for a property tax exemption.

Article No. 42 – PETITIONED ARTICLE – TOWN OF WELLFLEET SCHOLARSHIP PROGRAM:

Motion: I move that the Town vote to establish a Town of Wellfleet Scholarship for students who are residents of Wellfleet, as follows:

- e) Applicants must demonstrate financial need and academic merit and plan to or currently attend an accredited non-profit educational institution. Financial need will be demonstrated in accordance with industry best practices for determining financial need, currently through completing a Free Application for Federal Student Aid (FAFSA) form.
- f) An agreement will be negotiated between the Town of Wellfleet School Committee and The Cape Cod Foundation to manage the scholarship program for a \$250 annual fee in accordance with The Cape Cod Foundation fee policy for a non-permanent fund not held in its investment pool. This agreement may be renegotiated annually. The Town of Wellfleet School Committee will recommend a representative to coordinate with The Cape Cod Foundation. (The fee is to be paid from the appropriation for this program.)
- g) Payment by the Town to The Cape Cod Foundation will be made by March 1, 2024, with scholarship selection by June 30, 2024. All scholarship payments will be made directly to the

college or educational institution. The Cape Cod Foundation will provide an annual financial report to the Town School Committee.

- h) In future years the Wellfleet Elementary School Committee will recommend an appropriation for this scholarship program, which would be included in the proposed Town budget.

Further, that the Town vote to raise and appropriate \$100,000 for the first year of this scholarship program, 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.

Article No. 43 – PETITIONED ARTICLE – TOWN OF WELLFLEET SCHOLARSHIP PROGRAM:

Motion: I move that Article 43 be indefinitely postponed.

Article No. 44 – NON-BINDING - RAISE RESIDENTIAL PROPERTY EXEMPTION:

Motion: I move that the Town vote to adopt a non-binding resolution advising the Selectboard to raise the residential exemption from 25% to 30% for fiscal year 2024.

Article No. 45 – HOME RULE PETITION - PREVAILING WAGE RULE LEGISLATIVE PETITION (Majority Vote):

Motion: I move that the Town vote to authorize the Selectboard to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized to make clerical or editorial changes of form only to the bill so submitted, unless the Selectboard approves amendments to the bill before enactment by the General Court; and further that the Selectboard is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE PREVAILING WAGE IN THE TOWN OF WELLFLEET
Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Town of Wellfleet shall be exempt from complying with Sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$75,000 or less.

SECTION 2. This act shall take effect on the first day of the fiscal year following passage of this act and shall apply to taxes levied for fiscal years beginning that fiscal year and thereafter.

Article No. 46 – HOME RULE PETITION – AUTHORIZE TOWN OF WELLFLEET TO ESTABLISH A REAL ESTATE TRANSFER FEE:

Motion: I move that the Town vote to authorize the Selectboard to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized to make clerical or editorial changes of form only to the bill so submitted, unless the Selectboard approves amendments to the bill before enactment by the General Court; and further that the

Selectboard is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF WELLFLEET TO ESTABLISH A REAL ESTATE TRANSFER FEE

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Purchaser" shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry

for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller" shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Seasonal" shall be defined as a period commencing April 1 of each calendar year and termination November 30 of the same calendar year.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Wellfleet acting by and through its Selectboard.

SECTION 2. There is hereby imposed a Real Estate Transfer Fee equal to (A.) fee in the amount of one (1) percent of said purchase price shall be due and payable by the seller; and (B.) a fee in the amount of

one (1) percent of said purchase price shall be due and payable by the purchaser upon the transfer of any real property interest in any real property situated in the Town of Wellfleet. Said fee shall be the liability of the buyer and seller of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Wellfleet. The first \$50,000 collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year shall be deposited into the Wellfleet Affordable Housing Trust.

SECTION 3. The following transfers of real property interests shall be exempt from the Real Estate Transfer Fee:

- A. First-time homebuyers who live in the home for at least five (5) years. A lien shall accompany the deed stating that "There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met."
- B. Transfers to the Government of the U.S., The Commonwealth, the Town of Wellfleet and any of their instrumentality's agencies or sub-divisions, such as the Wellfleet Housing Authority and The Wellfleet Housing Trust.
- C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.
- D. Transfers of convenience with consideration under \$100.00 which include: name change, into trusts, out of trust, etc.
- E. Transfers to any charitable organization as defined in Clause Third of Section Five of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.
- F. Transfers between immediate family members, marriage partners, parents and children, grandchildren, stepparents and step-children, brothers and sisters, or beneficiaries of an estate.
- G. 120% of the previous fiscal year's median single-family home assessed value as assessed by the Wellfleet Town Assessor. This exemption shall not apply to properties occupiable on a seasonal basis only. This exemption shall not apply to properties with a sale price above \$2,000,000.

SECTION 4.

- A. The fee imposed shall be due at the time of the transfer of real property interest.
- B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid Real Estate Taxes.
- C. The Town shall notify a buyer by Registered or Certified Mail of any failure to discharge the amount in full of fee due.
- E. The fee shall be paid to the Wellfleet, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Barnstable County, and the assistant recorder for the registry district of Barnstable County,

shall neither record nor register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. The Town is authorized to provide for the collection and secure a lien of any outstanding transfer fee. The Town shall have such remedies to collect said amount as provided by law with respect to the collection of real property taxes. Failure to comply with this requirement shall not affect the validity of any instrument.

SECTION 5. Annual Report. The Town shall prepare and issue an annual report that (i) identifies fee receipts by payer category and unit type; and (ii) quantifies housing programs funded, including type and purpose.

SECTION 6. Severance Clause. The determination or declaration that any provision of this act is beyond the authority of the General Court or is preempted by law or regulation shall not affect the validity or enforceability of any other provisions.

SECTION 7. This Act shall take effect on passage.

Article No. 47 –HOME RULE PETITION - ACQUISITION OF YEAR-ROUND HOUSING OCCUPANCY RESTRICTIONS:

Motion: I move that the Town vote to authorize the Selectboard to petition the General Court for special legislation to provide as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Selectboard approves amendments to the bill before enactment by the General Court; and further that the Selectboard is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF WELLFLEET TO ACQUIRE YEAR-ROUND HOUSING OCCUPANCY RESTRICTIONS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. As used in this Act the following words shall, unless a different meaning clearly appears from the context, have the following meanings:

Selectboard – the duly elected Selectboard of the Town of Wellfleet.

Town – the Town of Wellfleet

Year-Round Housing Occupancy Restriction – is a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant, condition in any deed, mortgage, will, agreement or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to residential housing occupancy by persons or families who occupy either rental or ownership housing as their primary residence for not less than 11 months during any 1-year period, or (b) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and ownership housing for occupancy to persons or families who occupy either rental or ownership housing as their primary residence for not less than 11 months during any 1-year period.

SECTION 2. Notwithstanding any special or general law to the contrary in the Commonwealth, an authorized municipal board or agency approved by the Selectboard, may acquire a year-round housing occupancy restriction for rental or ownership housing.

SECTION 3. The year-round housing occupancy restriction shall be recorded with the Barnstable County Registry of Deeds, or if on registered land, filed with the Barnstable Registry District of the Land Court, and contain a description of the land upon which the restriction is to be imposed provided it specifies that the land lies in the Town and is shown on a recorded or registered plan in the Barnstable County Registry of Deeds or the Barnstable Registry District of the Land Court, gives the boundaries of the land by metes and bounds, with reference to said plan or instrument and if the land is registered, specifies the certificate or certificates of title thereof. The restriction imposed shall run with the title of the land on which it is imposed.

SECTION 4. The acquisition of a year-round housing occupancy restriction must be approved by a vote of the Selectboard prior to its acquisition.

SECTION 5. The year-round housing occupancy restriction may be enforced by the holder of the restriction, by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds that there has been a violation of the restriction then, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorneys' fees and costs incurred in the action proceeding. The restriction may be released, in whole or in part, by the holder for consideration, if any as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the Selectboard, whose approval shall be required. The release of the restriction must be recorded or registered in the Barnstable County Registry of Deeds or the Barnstable Registry District of the Land Court, as applicable to its acquisition.

SECTION 6. Acceptance of the restrictions and releases shall be evidenced by certificates of approval or release and executed by the holder of the restriction and the Selectboard, and duly recorded or registered.

SECTION 7. This act shall take effect upon its passage.

Article No. 48 – HOME RULE PETITION – EXPANDED RESIDENTIAL PROPERTY EXEMPTION TO YEAR-ROUND RENTAL UNITS:

Motion: I move that the Town vote to authorize the Selectboard to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized to make clerical or editorial changes of form only to the bill so submitted, unless the Selectboard approves amendments to the bill before enactment by the General Court; and further that the Selectboard is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT EXPANDING THE EXEMPTION FOR RESIDENTIAL PROPERTY IN THE TOWN OF WELLFLEET

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 5C of chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as class one residential in the town of Wellfleet as certified by the Commissioner of Revenue to be assessed all local property at its full and fair cash valuation, and with the approval of the Selectboard, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all class one residential parcels

within the town of Wellfleet, or such other maximum percentage as may be established from time to time by the General Court; provided, however, that the exemption shall be applied only to: (i) the principal residence of the taxpayer as used by the taxpayer for income tax purposes; or (ii) a residential parcel occupied by a resident of the Town of Wellfleet, other than the taxpayer, occupied on a year-round basis and used as the resident's principal residence for income tax purposes. The town of Wellfleet may adopt and amend criteria to determine who qualifies as a resident under this act. This exemption shall be in addition to any exemptions allowed under section 5 of said chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10% of its full and fair cash valuation, except through the applicability of clause eighteenth of said section 5 of said chapter 59. Where, under the provisions of said section 5 of said chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the town of Wellfleet and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the board of assessors of the town of Wellfleet in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the Board of Assessors of the Town of Wellfleet in writing on a form approved by the board of assessors, on or before the deadline for an application for exemption under section 59 of said chapter 59. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to section 59 of chapter 59 of the General Laws.

SECTION 3. This act shall take effect on the first day of the fiscal year following passage of this act and shall apply to taxes levied for fiscal years beginning that fiscal year and thereafter.

SECTION VI: STANDARD ANNUAL ARTICLES

Voted on together as part of a consent agenda

Article No. 49 - SURPLUS PROPERTY DISPOSAL:

Motion: I move that the Town vote to authorize the Town Administrator or his/her designee to dispose of personal property by trade-in or sale.

Article No. 50 – COLLECTION OF TAXES.

Motion: I move that Town vote in accordance with G.L. c. 41, sec. 38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector.

Article No. 51 - NAUSET REGIONAL SCHOOLS ASSESSMENT FORMULA.

Motion: I move that the Town vote to accept the provisions of G.L. c. 71, s.16B, which would reallocate the sum of the member Town's contribution to the Nauset Regional School District in accordance with the Nauset Regional Agreement, rather than the Education Reform Formula.

SECTION VIII: STANDARD CLOSING ARTICLES

Article No. 52 - TO HEAR TOWN REPORTS.

Motion: I move that the Town vote to hear reports of the Selectboard, Town Officers, and all other Committees and to act thereon.

Article No. 53 - ANY OTHER BUSINESS THAT MAY LEGALLY COME BEFORE THE MEETING.

Motion: I move that the Town vote to act on any other business that may legally come before the meeting.

I move to dissolve the 2023 Annual Town Meeting

**2023 ANNUAL TOWN MEETING
MOTION CHEAT SHEET
(For use by the person making the motions)**

For individual articles which don't require any change from the wording of the article:

I move to accept and adopt Article xx with the wording of the motion to be as printed in the motions booklet.

For individual articles which do require any change from the wording of the article:

I move to accept and adopt Article xx with the wording of the motion to be as printed in the motion's booklet, except that ... (insert any changes).

**2023 ATM CONSENT CALENDARS
(to be included in the motions booklets)**

Articles 23-24

I move that Articles 23-24 be accepted and adopted with the wording of the motions for each article to be as printed in the motion's booklet.

Articles 27-34

I move that Articles 27-34 be accepted and adopted with the wording of the motions for each article to be as printed in the motions booklet.

Articles 49-53

I move that Articles 49-53 be accepted and adopted with the wording of the motions for each article to be as printed in the motion's booklet.

Motion to dissolve (after Article 53)

I move to dissolve the 2023 Annual Town Meeting