

2010 ANNUAL TOWN MEETING

ARTICLE 1: To see if the Town will vote the following **regularly required authorizations** or actions, or take any other action in relation thereto.

Sponsor – Board of Selectmen

a. Assumption of liability in the manner provided by Section 29 and 29A of Chapter 91 of the General Laws, as most recently amended, for all damages that may be incurred by work performed by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, (including the Merrimack and Connecticut Rivers) in accordance with Section II of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, and further to assume liability pursuant to Section 1 of Chapter 814 of the Acts of 1972.

b. That the Selectmen may contract with the Massachusetts Department of Public Works and the County Commissioners for the construction and maintenance of public highways for the ensuing year.

c. Authorize the Board of Selectmen from time to time to apply for, receive, and expend assistance funds under the Federal and State Small Cities Program of the Department of Housing and Urban Development as from time to time amended, to be used for such projects as the Selectmen in their discretion shall deem necessary, and proper, and to do such acts and enter into such contracts as may be necessary, proper or desirable to obtain such aid.

d. Pursuant to the provisions of Section 12 of Chapter 30B of the Massachusetts General Laws, as amended and supplemented, to authorize the Town of Bourne to enter into contracts in excess of three years' duration for school bus transportation and for the lease or lease-purchase of equipment, subject to appropriation and all other approvals as may be required by law with respect to any particular such contract.

e. Authorize the Treasurer and the Town Collector, pursuant to Chapter 44, Section 53F, Massachusetts General Laws, as amended and supplemented, with the approval of the Board of Selectmen, to enter into agreements for periods not to exceed three years with banking institutions to maintain deposits in exchange for banking services.

f. Authorize the Board of Selectmen, pursuant to Chapter 44, Section 72, Massachusetts General Laws, as amended and supplemented, to allocate any funds received as part of the Medicaid Medical Services Program to the School Committee for use, without further appropriation, for the benefit of educational programs.

Finance Committee Recommendation

This article comes before town meeting each year and is a housekeeping article. State law requires us to vote on these authorizations each year. This article authorizes various town officials to take certain actions such as enter into contracts, agreements, apply for grants and take other actions that are necessary to conduct the towns business. This article now includes the direct allocation of Medicaid Medical services receipts for special needs students to the school department.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

ARTICLE 2: To see if the Town will vote to fix the **salaries and compensation of all elected officials** of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended, and raise and appropriate a sum of money therefore, or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee recommendation will be made at Town Meeting

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the **regular annual expenses** of the Town, or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee recommendation will be made at Town Meeting

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the **Sewer Department**, or take any other action in relation thereto.

Sponsor – Board of Sewer Commissioners

Finance Committee recommendation will be made at Town Meeting

ARTICLE 5: To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts for the construction, reconstruction and improvement on all approved public ways which qualify under the **State Aid Highway (Chapter 90)** guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the D.P.W. Superintendent, with the approval of the Board of Selectmen, or take any other action in relation thereto.

Sponsor - D.P.W. Superintendent

Finance Committee Recommendation

Each year the governor's budget appropriates Chapter 90 funds for distribution among the cities and towns in Massachusetts. This local aid is earmarked for maintaining safety and accessibility for roads and bridges within the Commonwealth. Because the dollar amount varies from year to year, we must vote to allow our Department of Public Works to spend the appropriation at the Annual Town Meeting.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to establish a **Reserve Fund**, or take any other action in relation thereto.

Sponsor - Board of Selectmen

Finance Committee Recommendation

Each year the Town establishes a Reserve Fund to provide for unforeseen but necessary expenses. These monies are spent only with the approval of the Finance Committee and any balance At the end of the year is returned to the Town's General Fund. This year we are recommending a general

Reserve Fund of \$250,000 and an additional segregated Fund of \$175,000 for possible overtime shortfalls in the Fire and Police Departments.

The Finance Committee voted 6-3 to recommend approval of this article.

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the **Integrated Solid Waste Management Program**, or take any other action in relation thereto.

Sponsor - Board of Selectmen

Finance Committee Recommendation

This article approves the operating budget of ISWM for the coming year. Last year ISWM revenues and expenditures were reduced due to the economy. The FY11 the revenue and operating expenditures are budgeted at \$9,195,308 which is a reduction of 1.4% from FY10. The Host Community Fee has been increased \$50,000 but the General Fund Administration Fees have been reduced \$243,176. The ISWM Reserve Fund has been increased \$25,000. The ISWM budget includes the costs associated with the disposal of the town's municipal solid waste and the residential drop off center. In addition, ISWM will continue to pay for curbside trash pickup and curbside recycling.

Finance Committee recommendation will be made at Town Meeting

ARTICLE 8: To see if the Town will vote to hear **reports and recommendations** of Committees and Town Officers, or take any other action in relation thereto.

Sponsor - Board of Selectmen

Finance Committee Recommendation

Every year this article is placed on the warrant, so that any committee or Board can address the Town meeting directly. Therefore, if there are comments or updates on activities from a committee, this will be your opportunity to speak.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

ARTICLE 9: To see if the Town will vote under authority of M.G.L., Chapter 44, Section 53E ½ to establish **Revolving Funds** to be known as described below, or take any other action in relation thereto.

Sponsor – Board of Selectmen

Number	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2011 Spending Limit
1	Recreation Programs Fund	Recreation Department with the approval of the Town Administrator	All fees charged for all programs run by the Recreation Department	Purchase & Acquire recreational equipment and materials and part-time seasonal staff to facilitate seasonal recreational programs	\$100,000.00
2	Shellfish Propagation Fund	Department of Natural Resources with the approval of the Town Administrator	Fees for commercial shellfish licenses	Part-time salaries & expenses related to the propagation, cultivation, protection & study of shellfish	\$35,000.00
3	Transportation Revolving Fund	School Department with the approval of the School Committee	Fees for transportation services	To pay for transportation fees	\$50,000.00
4	After School Activity Revolving Fund	School Department with the approval of the School Committee	Fees for After School Activities	To pay for After School Programs	\$25,000.00
5	Public Library Book Fund	Library with the approval of the Town Administrator	Fines & Fees received from overdue, lost, damaged materials	To purchase additional library books and materials	\$25,000.00
6	Community Building Rental Fund	Community Building Director with the approval of the Town Administrator	Fees from renting the building	To pay part time salaries and expenses related to the extra hours used for the rental of the building	\$25,000.00

Number	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2011 Spending Limit
7	Composting Bins Fund	Integrated Solid Waste Management with the approval of the Town Administrator	Fees received from the sale of composting bins	To purchase and acquire additional composting and recycling bins	\$500.00
				Total spending	\$260,500.00

Finance Committee Recommendation

Revolving funds are created to allow certain departments to raise specific funds to be appropriated without further Town Meeting action. The law is very explicit concerning the authorization of the funds. The law also requires that the funds be reauthorized every year to ensure that each fund is used as intended.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

See Appendix “C” Supporting Information – Page 109

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **capital improvements and capital projects**, or take any other action in relation thereto

Sponsor – Capital Outlay Committee

ITEM	DEPT	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
1.	Police Department	Police Cruisers	\$ 94,000.00		Article 10P ATM May 2008 DPW Chipper \$2,936.87 , Article 10B ATM May 2008 Police Cruisers \$20,318.30 , Article 8C ATM May 2005 Rescue Vehicle Replacement \$1,670.52 , Article 8D ATM May 2005 Furniture & Fix Station 3 \$6,793.71 , Article 27E ATM May 2006 Rescue Vehicle Replacement \$6,697.30 , Article 27D ATM May 2006 Jaws of Life \$1,649.23 , Article 10E ATM May 2008 Fire Deputy Car \$353.00 , Article 10i ATM May 2007 \$112.10 , Article 8i Sped Mini Buses \$104.00 , Article 10P ATM May 2007 \$4,193.00 , Article 8M ATM May 2005 Used Cab & Chassis \$842.52 , Article 10Q 1/2 Ton Pickup ATM May 2007 \$3,556.09 , Article 10R ATM May 2007 Dump Truck \$6,373.47 , Article 10S ATM May 2007 Dump Truck \$6,729.47 , Article 10T ATM May 2007 25 Cy Packer \$4,476.46 , Article 28 ATM May 1998 Purchase equipment & services to build brush breaker \$5,548.51 , Article 10M ATM May 2008 DPW Dump Truck \$3,050.75 , Article 10N ATM May 2008 DPW Dump Truck \$3,370.59 , Article 10O ATM May 2008 DPW Sweeper \$14,449.13 , Article 10R ATM May 2008 DPW Catch Basin Cleaner \$774.98 .
2.	Fire Department	Station 4 (Pocasset) Generator	\$ 25,000.00		Article 27L ATM May 2006 Roof Replacement BHS \$828.25 , Article 27M ATM May 2006 Bathroom Renovations BHS \$2,007.00 , Article 10O ATM May 2007 Replace Hot Water Heater \$14,862.14 , Article 10J ATM May 2008 Rep Greenhouse & BHS entrance \$7,302.61 .

ITEM	DEPT	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
3.	Fire Department	Station 4 (Pocasset) Jaws of Life	\$ 40,000.00	Ch 44, Sec 7(9)	Article 28 ATM May 1998 Purchase equipment & services to build brush breaker \$20,000.00 . Borrowing \$20,000.00
4.	DNR	Replace Y-54 2000 Ford F-250	\$ 36,000.00		Article 28 ATM May 1998 Purchase equipment & services to build brush breaker \$1,768.41 , Article 10 ATM May Estuaries Project \$32,750.00 , Article 101 Police Cruisers \$1,481.59 .
5.	DNR	Replace Y-57 1990/Skiff/Work Boat	\$ 19,655.00		Waterways \$19,655.00
6.	DNR	Monument Beach Marina- Replace Floats	\$ 37,000.00		Waterways \$37,000.00
7.	Schools	Replace HVAC Unit Compressor Motor	\$ 26,000.00		Article 10H ATM May 2008 Replace Electric Service DNR Bldg \$6,400.00 , Article 10F ATM May 2007 Fire Station Floors \$2,858.69 , Article 10K ATM May 2007 Replace Taylors Pt Boiler \$1,627.07 , Article 10H ATM May 2005 Roof replacement BHS \$12,847.75 , Article 27L ATM May 2006 Roof Replacement BHS \$2,266.49 .
8.	Schools	Purchase/Replace SPED Mini Buses	\$ 93,000.00	Ch 44, Sec 7(9)	Borrowing \$93,000.00
9.	Schools	Technology Plan	\$ 218,000.00	Ch 44, Sec 7(28)	Article 10N ATM May 2007 Technology Upgrade \$1,878.48 , Article 10L ATM May 2008 \$3,486.93 , Article 10-1 ATM May 2009 Police Cruisers \$379.59 , Borrowing \$212,255.00
10.	DPW	Purchase Dump/Sander Truck (T9)	\$ 132,000.00	Ch 44, Sec 7(9)	Borrowing \$132,000.00
11.	DPW	Purchase Computer Equipment	\$ 15,000.00		Article 9 STM May 2008 Consultant Comm. & Economic Dev. \$10,000.00 , Article 17 ATM May 2008 Review Municipal Facilities \$5,000.00 .
12.	DPW	Electrical Service Upgrade	\$ 25,000.00		Article 9 STM May 2008 Consultant Comm. & Economic Dev. \$25,000.00 .
13.	ISWM	Front Entrance Infrastructure & Road Realignment	\$ 500,000.00	Ch 44, Sec 8(24)	Borrowing \$250,000.00 , Article 27O ATM May 2006 Replace Cardinal Scale \$250,000.00 .
14.	ISWM	Flare Skid	\$ 335,000.00	Ch 44, Sec 7(9)	Borrowing \$335,000.00 .

ITEM	DEPT	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
15.	ISWM	Replace Caterpillar D250E Off-Road Truck	\$ 602,859.00	Ch 44, Sec 7(9)	Borrowing \$200,000.00 , Article 10Z ATM May 2008 Gas Electrical Generator & Appurtenances \$402,859.00 .
16.	ISWM	2A/3A North Slope Cap & 2A/3A Odor Mitigation Infrastructure	\$ 1,005,400.00	Ch 44. Sec 8(24)	Borrowing \$220,000.00 , Transfer \$785,400.00 from Phase 2A/3A Closure Fund.
17.	Shore & Harbor	Annual Dredging/Ramp Repair & Improvement	\$ 80,000.00		Waterways \$80,000.00 .
			\$ 3,283,914.00		

Finance Committee Recommendation

This article requests the funding for the FY11 Capital Improvement Budget recommendations of the Capital Outlay Committee. The items recommended in this article are those which have been deemed to have the highest priority. Items deferred include the funding of the new DPW Facility, Police Station and Fire Sub Station. Also deferred is an ISWM request for \$3,086,050 pending completion of other projects. Additional requests for \$125,000 for Water Resource projects and \$100,000 for Town Hall Window and Gutter Restoration are in other articles. The \$3,283,914 of FY11 capital requests funded in this article are funded by:

*General Debt \$457,255
Enterprise Debt \$1,005,000
Waterways Fund \$136,655
Other Available Funds \$1,685,004*

More details and an explanation of the individual expenditures will be provided at Town Meeting.

Finance Committee recommendation will be made at Town Meeting

ARTICLE 11: To see if the town will vote to amend the Town of Bourne Bylaws **Article 1.1 Town Meetings Section 1.1.1** by deleting “Two hundred (200) registered voters shall constitute a quorum to begin any session of any annual or special town meeting, provided however, that after said quorum has been established, a quorum to continue to maintain the

meeting at any such session shall be one hundred fifty (150) registered voters. Sessions devoted to the election of officers shall not be subject to this quorum provision. *” and inserting in place thereof the words “One-hundred (100) registered voters shall constitute a quorum at any session of any annual or special town meeting. Sessions devoted to the election of officers shall not be subject to this quorum provision. *” Or take any other action in relation thereto.

Sponsor – Finance Committee

Finance Committee Recommendation

In an effort to get greater attendance at Town Meeting, this article reduces the quorum requirement to start an annual or special town meeting. A survey of Massachusetts town quorum requirements is summarized below, along with a table of selected towns, their population, and quorum requirement:

Quorum Requirement	Number of Towns	% of Total
Unknown ¹	155	45.06%
0 (Zero)	12 (Acton, Bellingham, Chilmark, Concord, Duxbury, Grafton, Marshfield, Mashpee, North Reading, Norton, Sandwich, Stow)	3.49%
25	4 (Conway, Huntington, Southwick, Warren)	1.16%
50	18	5.23%
75	7 (Bolton, Hamilton, Hatfield, Maynard, Rochester, Seekonk, Winchendon)	2.03%
100	29	8.43%
125	1 (Salisbury)	0.29%
150	7 (Carlisle, Dennis, Harwich, Hudson, Merrimac, Pembroke, Wilmington)	2.03%
175	2 (Dover, Westwood)	0.58%
200	4 (Bourne, Brewster, Ipswich, Mansfield)	1.16%
300	3 (Hingham, Marblehead, Rockland)	0.87%
Other ²	25	7.27%
Representative Town Meeting	29	8.43%
Town Council (no town meeting)	13	3.78%
City (no town meeting)	35	10.17%

Data compiled from listing of Commonwealth Communities at www.mass.gov.

¹ Unknown indicates either the town had no web site OR by-laws or charter were not on web site OR could not find quorum requirement in by-laws and/or charter.

² Other means the quorum requirement is a number other than a number in the table

Town	Population (US Census Bureau Population Estimates Program for 2007 as presented in the Commonwealth of Massachusetts Health & Human Service website)	Quorum Requirement
Bourne	19,023	200
Mashpee	14,261	0
Harwich	12,387	150
Wareham	21,154	100
Dennis	15,473	150
Sandwich	20,255	0
Brewster	10,023	200
Norton	19,223	0
Seekonk	13,593	75
Duxbury	14,444	0
Kingston	12,339	100
Chatham	6,726	100
Easton	22,969	100
Mansfield	22,993	200
Lakeville	10,587	100

The Finance Committee voted (10-0) to recommend approval of this article

ARTICLE 12: To see if the Town will vote to amend the Town of Bourne Bylaws, Section 1.1.9 **Articles by Lottery** by deleting said Section in its entirety and by substituting therefore the following new Section 1.1.9:

"Section 1.1.9

Articles by Lottery. Articles at any Annual and Special Town Meeting shall be considered in the order drawn at random by lottery conducted at the direction of the Town Clerk, except that at any Annual or Special Town Meeting the Board of Selectmen and the Finance Committee may, by majority vote of each board, notify the Moderator at the commencement of the town meeting that certain articles are essential to the exercise of the Town's corporate functions in which event these designated articles shall be heard in order prior to those articles drawn at random by lottery. The criteria for this determination by the Board of Selectmen and Finance Committee may include, but shall not be limited to, any one or more of the following

articles or articles amending the same: Annual Operating Expenses; Enterprise Accounts; Stabilization Fund; Reserve Fund; Chapter 90 Receipt of Highway Aid; Annual Authorizations; and, unpaid bills. In addition, the Selectmen shall notify the Moderator which articles in the warrant are contingent upon action upon another article or articles and these articles shall be taken in succession when either article comes to the town meeting floor for action". Or take any other action in relation thereto.

Sponsor – Bylaw Committee

Finance Committee Recommendation

This article restates the rules for our lottery system and the only real change is that it includes any Special Town Meeting as well as the Annual Town Meeting in the system.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

ARTICLE 13: To see if the Town will vote to amend the Town of Bourne Bylaws **Article 2.4 Committees , Section 2.4.2 Reappointment.** by adding the following language after the first sentence.

“No person shall be eligible for reappointment as a member of a committee unless he/she has attended at least 75% of all meetings duly called by the Chairman of the Committee during his/her tenure. Committees shall annually submit an attendance report to the appointing authority.”

Or take any other action in relation thereto.

Sponsor – Bylaw Committee

Finance Committee Recommendation

This article adds an attendance requirement to the provisions for reappointing citizens to Town committees.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

ARTICLE 14: To see if the Town will vote to amend the Town Bylaws by deleting “**Article 2.1 Salary Administration Plan**” in its entirety or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The plan referred to in this bylaw is no longer being used and the bylaw is no longer appropriate.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

ARTICLE 15: To see if the Town will vote to authorize the Town Administrator, on behalf of the Town of Bourne, to execute long term **solid waste related AGREEMENTS** with terms up to 15 years with participating municipalities and companies for the disposal and other disposition of waste as approved by the Massachusetts Department of Environmental Protection and the Town of Bourne Board of Health, through the Department of Integrated Solid Waste Management, or take any other action in relation thereto.

Sponsor - Board of Selectmen

Finance Committee Recommendation

In order to lock up solid waste disposal agreements with municipalities the Town Administrator needs the authority to negotiate such agreements that may have a term of up to 15 years. This reflects the state of the marketplace; and allows ISWM to be a competitive player within our market area. Long Term agreements smooth cash flow and will help to maintain profitability at ISWM.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

ARTICLE 16: To see if the Town will vote to accept a new access road and an internal circulation road (totaling approximately 1.5 miles) for the technology campus in the Bournedale region contingent upon their being built to Town specifications and in conjunction with previously adopted zoning changes re a **technology campus**, and with the further restriction that

the technology campus will maintain the roads, or take any other action in relation thereto.

Sponsor – Bourne Financial Development Corporation

Finance Committee Recommendation

This access road and an internal circulation road will be approximately 1.5 miles in total distance. This road will exit onto the existing road at the newly constructed intersection on the Scenic Highway. The road will be maintained, to include snow plowing, by the Technology Campus.

The Finance Committee voted 8 to 0 to recommend approval of this article.

See Appendix “C” Supporting Information – Page 113

ARTICLE 17: To see if the Town will vote to petition the General Court for special legislation exempting the position of **Fire Chief** in the Town of Bourne from the Civil Service law; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or take any other action in relation thereto.

Sponsor – Board of Selectmen

The petition for special legislation shall take substantially the following form:

AN ACT EXEMPTING THE POSITION OF FIRE CHIEF IN THE TOWN OF BOURNE FROM THE CIVIL SERVICE LAW.

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. The position of fire chief in the town of Bourne shall be exempt from chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of the person holding the position of fire chief in the town of Bourne on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Finance Committee recommendation will be made at Town Meeting

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of **shellfish propagation**, or take any other action in relation thereto.

Sponsor - Board of Selectmen

Finance Committee Recommendation

This article will replace funding that we have been receiving from a state grant that has been withdrawn. Without this money our shellfish propagation program would have to be substantially abandoned.

The Finance Committee voted unanimously (10-0) to recommend approval of this article.

ARTICLE 19: To see if the town will vote to amend Section 3343, of the Bourne Zoning Bylaw by changing the date from June 1, 2006 to June 1, 2020 to read as follows or take any action in relation thereto:

Sponsor – Planning Board

3343. Interim Egress Control. Until June 1, 2020, or, if earlier, until opening of a limited-access highway connecting the Mid-Cape Highway (route 6) with MacArthur Boulevard (Route 28) or Route 25, all development in the Traffic Management District shall be subject to the following:

3343. Interim Egress Control. Until June 1, 2006, or, if earlier, until opening of a limited-access highway connecting the Mid-Cape Highway (Route 6) with MacArthur Boulevard (Route 28) or Route 25, all development in the Traffic Management District shall be subject to the following.

- a) Access separation. No new street, driveway, or other means of vehicular access to an arterial street shall be created unless it is separated from all other means of vehicular access on the same side of the street by at least 1,000 feet, measured centerline to centerline along the edge of the street right-of-way, unless granted a special permit under Section 3344 authorizing less separation. However, each lot or set of contiguous lots held in ownership separate from that of all abutting land as of the date of adoption of this provision shall be allowed a single access to an abutting

arterial street, provided that the access shall be located so as to minimize movement conflicts with all other accesses to the same road.

- b) Land division and sale. No land in the Traffic Management District shall hereafter be divided into separate lots or ownerships unless each resulting building lot will be entitled to vehicular access under these provisions, through one or more of the following:
 - having location and configuration making it feasible to meet the requirements of Section 3343(a), or
 - having an alternative means of access, such as an authorized shared driveway (see Section 3342), or
 - having frontage on a non-arterial street, or
 - having been granted a special permit under the provisions of Section 3344.
- c) Other requirements. The standards of the table in Section 3341 (except for the required driveway centerline separation) must be met by all uses, regardless of trip generation level.

Finance Committee Recommendation

This article seeks to extend to June 1, 2020 the opening of limited access highway in the Traffic Management District

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

See Appendix “C” Supporting Information – Page 114

ARTICLE 20: To see if the town will vote to add new Section 4260, To the Bourne Zoning Bylaw for the purposes of **Affordable Housing**, to include the following provisions to allow the development of previously unbuildable lots for affordable housing by adding the following, or take any other action relative thereto.

Sponsor: Planning Board

SECTION IV SPECIAL REGULATIONS

4260. NONCONFORMING AFFORDABLE LOTS.

4261. Purpose. The purpose of this bylaw is to increase the supply of housing that is available and permanently affordable to low or moderate income households by allowing affordable dwelling units to be built on non-complying lots, provided the lots meet the criteria listed herein.

It is intended that the affordable housing units created under this bylaw qualify as low or moderate income units for purposes of M.G.L. ch. 40B sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

4262. Applicability. This bylaw applies to lots of record as of January 1, 2010 which do not meet the zoning requirements for a buildable lot. Any increase in tax assessment for an applicable lot will occur upon issuance of the special permit for the affordable single-family dwelling on that applicable lot.

4263. Permit Granting Authority. The Planning Board shall be the Special Permit Granting Authority (SPGA) under this section.

a) The SPGA shall only allow the construction of one (1) single family dwelling per lot. The dwelling must be restricted as an affordable homeownership or affordable rental dwelling unit in perpetuity or the maximum time period allowed by law.

b) The SPGA, at the request of the applicant may allow the existing dwelling on the adjacent lot to be restricted as the affordable unit. However before the occupancy permit of the new unit is issued the existing dwelling must be restricted in accordance with M.G.L. ch. 40B sec. 20-23 and 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

c) The Special Permit Granting Authority may impose conditions and restrictions on the special permit, including, but not limited to,

- i. Restricting the total number of bedrooms or occupants in the dwelling,
- ii. Requiring that a Regulatory Agreement and/or Deed Rider, in an acceptable form, be executed and recorded at the Barnstable Registry of Deeds by the applicant,
- iii. Such other restrictions or limitations as are considered necessary or appropriate to carry out the intent and purposes of the bylaw.

4264. Use regulations. The following criteria must be met for a parcel to be eligible for the nonconforming affordable lot exemption:

- a) Must be located within a residential zoning district;
- b) Must contain at least 10,000 square feet;
- c) Must contain at least 90% upland as defined by this bylaw;
- d) Must satisfy applicable Board of Health regulations;
- e) Must satisfy applicable Town of Bourne Conservation Commission Wetlands Protection Regulations;
- f) Must have a minimum of eighty (80) feet of frontage on a town accepted way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic.
- g) The new structure shall conform to applicable setbacks.
- h) The new structure must conform to the gross floor area limitations of Section 2456.
- i) No lot shall be built upon if it was purposely created as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town;
- j) No part of any access driveway shall be within twenty (20) feet of a principle structure on an adjoining lot, and;
- k) No part of any affordable structure shall be placed within 80' of an existing principle structure for those lots where the affordable lot is located behind an existing lot.
- l) Shall not be located within a Zone II Water Recharge Area.
- m) Shall not be located within a Special Flood Hazard Area.

- n) When creating the new affordable parcel, the remaining parcel must also meet the minimum requirements listed above.
- o) A Lot granted a special permit for the purposes of a nonconforming affordable lot shall not be afforded the privilege of section 4100 –accessory dwelling.

The above criterion shall not be waived.

4265. Plan Processing.

1. Board of Health Review. The Board of Health shall report to the Planning Board in writing its approval or disapproval of the site plan. If the Board of Health disapproves said plan, it shall make specific findings as to why the lot shown cannot be used for a building site without injury to the public health. Approval of the plan by the Planning Board shall then only be given on condition that the lot shall not be built upon without prior consent of the Board of Health.
2. Review by Other Town Agencies. The Planning Board shall distribute copies of the Plan to the Conservation Commission and the Bourne Housing Partnership for comments.

4266. Affordability. No Building Permit or Certificate to Occupy shall be issued by the Inspector of Buildings until the developer has demonstrated that all of the applicable requirements of Section 4264 have been met.

4267. Rate of Development. The Inspector of Buildings shall issue no more than one (1) building permit per applicant per calendar year for a nonconforming residential lot. In addition no more than two (2) building permits per calendar year shall be issued for a village; as designated by the precinct map.

4268. Definitions. *(For the purposes of this section of the bylaw only)*
Applicant - Individuals, corporations, partnerships, trusts and any other legal entity or form of doing business in which the applicant of record holds a legal or beneficial interest of ownership of greater than one (1) percent.

Calendar Year - The period beginning January 1 and ending December 31.

Village – Designated by the official precinct as shown in the Town Clerks office.

Building Permit - refers to a affordable non conforming lot

Non-complying Lot - a lot for single family use which as of January 1, 2010 was held in common ownership with any adjoining land and was merged for tax purposes, and has not been combined by deed.

4269. Issuance of Building Permits

- a) Applications for building permits shall be dated and time-stamped upon receipt by the Inspector of Buildings. Building permits shall be issued on a first-come basis.
- b) No Applicant shall receive more than one (1) Building Permit in any given calendar year.
- c) It is the express intention of this provision that no Applicant shall employ any scheme or devise in order to obtain more building permits than said Applicant is lawfully entitled to under the terms of this Bylaw.

Finance Committee Recommendation

This article seeks to increase the Town's inventory of affordable housing by easing restrictions for building on certain non-conforming lots.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

See Appendix "C" Supporting Information – Page 115

ARTICLE 21: To see if the town will vote to **amend** the **Bourne Zoning Bylaw** by revising section 2491, 2493, 2496 and 2497 **of Section 2490** Back Lot Division of the Bylaw, or take any other action relative thereto.

Sponsor: Planning Board

- 2491.** The lot having reduced frontage must have frontage of at least 35 feet. The 35 foot width must continue for the entire length of the access strip.
- 2493.** The lot having reduced frontage must be capable of containing a square with sides equal to the normally required lot frontage.
- a. The lot shall have a uniform yard setback requirement of 25 feet from all property lines.
 - b. Within the setback, vegetation shall be retained and supplemented as necessary to obscure visibility.
- 2496.** Egress from the created lots must involve no greater hazard owing to grade and Zoning Bylaw visibility limitations than would be normal for a standard lot in the same vicinity.
- a. A vehicle turnaround must be provided to the satisfaction of the Fire Department
 - b. The access drive must be setback a minimum 10 feet from the lot lines.
- 2497.** Reduction of privacy and damage to the natural environment must be no greater than would be expected for standard land division at that location. Stormwater must be designed so that post-development runoff is contained on site and does not exceed pre-development runoff.

Finance Committee Recommendation

This article refines the wording in response to previous challenges by refining bylaw restrictions regarding abutters, drainage, fire safety and remaining vegetation.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

See Appendix “C” Supporting Information – Page 116

ARTICLE 22: To see if the town will vote to **amend** the **Bourne Zoning Bylaw** by **adding** the last sentence to **Section 2480** Lot Shape of the Bylaw, or take any other action relative thereto.

Sponsor – Planning Board

2480. Lot Shape. No lot shall be created so as to be so irregularly shaped or extended that the square of the lot perimeter exceeds thirty (30) times the gross lot area for any lot in excess of 80,000 square feet, or twenty-two (22) times the gross lot area for any other lot. A lot may exceed the shape factor of 22 or 30 only if the portion intended for building is designated on the plan and said portion is connected to the frontage and meets the shape and zoning requirements of the area in which it is located.

Finance Committee Recommendation

This article seeks to restrict the basic shape of lots to prevent small unbuildable lots from being created.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

See Appendix “C” Supporting Information – Page 117

ARTICLE 23: To see if the Town will vote to amend the Bourne Zoning Bylaw as follows, or take any other action in relation thereto.

Sponsor – Planning Board

1. Amend Section 2220 Use Regulation Schedule by adding two new rows under Commercial Uses below the row “Village Mixed Use Development,” to read as follows:

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
PRINCIPAL USES					
Village Mixed Use Development, subject to Section 4250	No	PB	PB	No	No
Commercial Wind Energy System (CWES) per Section 3460,	No ¹⁰	No	SPR/ SP	SPR/ SP	SPR/ SP
Neighborhood Wind Energy System (NWES) per Section 3460	SPR /SP	SPR /SP	SPR /SP	No	No

Footnotes to Section 2220 Use regulation Schedule.

10. Except “PB” in the Bournedale Overlay District, to be permitted only under provisions of Section 2700 Flexible Resource Development.

And deleting the row under Accessory Uses, below the row “Fishing-related activities” that reads “WECS Section 3460” and add a new row to read as follows:

DISTRICT	R40 R80	V-B B-1	B-2 B-4	B-3	GD
ACCESSORY USES					
Fishing –related activities	SP*	Yes	Yes	Yes	No
Residential Wind Energy System (RWES) per Section 3460	SPR/SP	SPR/SP	SPR/SP	No	No

2. Amend Section V Definitions so that the definition of “Building Height” reads as follows:

“Building Height”

“The vertical distance between the highest point of the building or other structure and the average of the elevation of the land that adjoins the building or other structure on all sides, 12' from the building, with that elevation to be based upon the land in its natural state prior to construction, grading or filling, not finished grade. Height limitations shall not apply to chimneys, spires, cupolas, wind energy conversion systems and TV antennas, except as specified in footnote ‘n’ to Section 2500 Intensity of Use Schedule. Building height shall be determined separately for separate portions of buildings where that separation is articulated by related breaks of three feet or more in both roof and wall planes.”

3. Delete Section 3460 Wind Energy Conversion Systems (WECS) in its entirety and replace it with the following.

3460. WIND ENERGY CONVERSION SYSTEMS (WECS).

3461. Purpose.

The purpose of this section is to provide for the development and use of wind power as an alternative energy source, benefiting both the economy and the

environment, while protecting public health, safety and welfare, preserving environmental, historic and scenic resources, controlling noise levels and preventing electromagnetic interference.

3462. Applicability.

Any application to erect a wind energy conversion system shall comply with section 3460, with the following exemptions.

- A. WECS having manufacturer's rated capacity of not more than 300 watts, or.
- B. Building-mounted WECS having overall height not more than eight feet (8') above the roof's highest point.

3463. Definitions.

A. Wind Energy Conversion Systems (WECS)

All equipment, machinery and structures utilized in the connection with the conversion of wind to other forms of energy.

B. Commercial Wind Energy System (CWES)

A WECS consisting of one or more wind turbines with a rated capacity greater than 10 kW.

C. Residential Wind Energy System (RWES)

A WECS consisting of a single wind turbine, with a rated capacity of not more than 10 kW, intended as an accessory use

D. Neighborhood Wind Energy System (NWES)

A Class I, II, or III net metering wind turbine located in a residential district serving multiple residential customers served by a single utility and as further defined by the Massachusetts Department of Public Utilities (DPU).

E. Wind Turbine

A single device that converts wind to electricity or other forms of energy, typically consisting of a rotor

and blade assembly, electrical generator, and tower with or without guy wires.

F. Basic fall zone

The area that lies within a distance equal to the total height of the wind turbine (including blade assembly) plus 10 feet from the base of the wind turbine tower.

G. Engineer designed fall zone

An area less than the basic fall zone, as designed and certified by a Massachusetts professional licensed structural engineer for a wind turbine. that has been designed to fall , if at all, in a manner that precludes any significant risk of causing harm beyond the designed zone, subject to peer review at the expense of the applicant if required by the Planning Board.

H. Critical Infrastructure

Facilities and infrastructure listed within the Town of Bourne’s Pre-Disaster Hazard Mitigation Plan.

3464. Special Permit Granting Authority

The Planning Board shall grant a Special Permit only if it finds that the proposal complies with the provisions of this Bylaw (including allowed waivers and imposed conditions), taking into consideration among other things the height of the WECS in relation to the anticipated amount of electrical energy generation, the location of the WECS is relation to topography, the natural environment, dwellings, historical and scenic features, and safety.

3465. Development Requirements.

A. Required of all WECS

1. Proposed WECS shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

2. Applicants shall provide a complete description of the proposed WECS including technical, economic, environmental, and other reasons for the proposed location, height and design.
3. Height Calculation. Overall height of the WECS shall be measured from the land in its natural state at the base of the tower prior to grading or filling to the highest point reached at any time by any part of the wind turbine. For WECS attached to a building, height is to be measured as specified in footnote “n” to the Section 2500 Intensity of Use Schedule, and the provisions of that footnote must be complied with.
4. Flight Path Height Restriction. No WECS located in the flight path as shown on a map entitled “USCG Air Station Cape Cod Emergency Visual Routes in Inclement Weather” Bourne, Massachusetts, dated January 26, 2007 which is attached hereto and made part hereof, shall be erected or altered to a height, which would exceed one hundred (100) feet. WECS erected between 60 to 100 feet within the USCG flight path shall include a fixed warning light. *(See Figure C)*
5. Monopole towers are the preferred type of support.
6. Setbacks. *(See illustrative figures A and B)*
 - a) WECS shall observe a setback distance from all property lines equal to the Basic Fall Zone or, if adequately documented as determined by the Planning Board, the Engineer Designed Fall Zone, provided that the project satisfies all other criteria for the granting of a special permit under the provisions of this section.
 - b) No part of the WECS support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for the zone where the land is located.

- c) WECS shall be set back a distance equal to the basic fall zone from critical infrastructure or public ways. The Planning Board may waive this requirement based on its determination that site-specific considerations assure adequate public safety.
 - d) In acting on a special permit, the Planning Board may reduce setback distances for the WECS provided that:
 - 1) An easement agreement from any affected abutting property owner is received, and is recorded along with an easement plan depicting such agreement, or
 - 2) The affected property adjacent to the WECS site is permanently protected in perpetuity and recorded as such in a deed, conservation restriction or other official document and enforceable by the Town. The restriction shall assure that such land shall be kept in an open or natural state and not be built upon or developed.
7. Wetlands. No part of a WECS shall be located within the jurisdiction of the Bourne Conservation Commission unless issued an Order of Conditions.
8. Noise. The WECS and associated equipment shall conform to the Massachusetts noise regulation (310 CMR 7.10). An analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.
- a) Manufacturers' specifications may be accepted when in the opinion of the Planning Board the information provided satisfies the above requirements.

- b) Upon written notification of a complaint of excessive noise, the Inspector of Buildings/Chief Zoning Enforcement Officer or his designee, herein after referred to, as the Enforcing Person, shall record the filing of such complaint. The Enforcing Person shall promptly investigate. If noise levels are determined to be excessive, the Enforcing Person shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest inhabited residence.
 - c) If the noise levels are found to have exceeded allowable limits the Enforcing Person shall notify in writing the owner of the property to correct the violation. If the noise violation is not remedied within 30 days the WECS shall remain inactive until the noise violation is remedied, which may include relocation or removal.
 - d) If determined that allowable limits have not been exceeded, notice in writing shall be provided to the person who has filed such complaint and the owner of the property stating that no further action is required, all within fourteen (14) days of the receipt of the request. Any person aggrieved by the decision may appeal said decision to the Board of Appeals in accordance with Section 1320 of this Bylaw. Any such appeal must be filed within (30) days after the receipt of the decision of the Chief Zoning Enforcement Officer or Enforcement Officer.
9. **Shadowing/Flicker.** The WECS shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have

significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

10. **Prevention of Access.** The applicant/owner shall ensure that all related components of the WECS are protected from unlawful access.
11. **Visual Impact.** The applicant shall employ all reasonable means, including restraint in tree removal, landscaping, and alternative locations to minimize the visual impact of all WECS components. All components of the WECS and its support structure shall be painted plain non-reflective muted colors
12. No WECS shall exhibit any form of decoration or graphics unless given express approval by the Planning Board, and then shall be limited to the name of occupant of the premises or manufacturer located on the nacelle of the wind turbine.
13. **Electromagnetic interference.** No WECS installation shall cause electromagnetic interference. If interference is established the Inspector of Buildings shall notify the owner of the property in writing to correct the violation. If the interference is not remedied within 30 days the WECS shall remain inactive until the interference is remedied, which may include relocation or removal.
14. **Lighting.** If lighting is proposed (other than required FAA lights) the applicant shall submit a plan indicating the horizontal foot candles at grade, within the property line and for twenty-five (25) feet beyond the property lines. The plan shall also indicate the locations and types of luminaries proposed.
15. **Vegetation.** Existing vegetation must be shown including average height of trees and any proposed vegetation removal on the subject property or abutting properties. The Planning Board shall also consider the height of vegetation at maturity.

16. Compliance with FAA Regulations and MMR Flight Paths. WECS must comply with applicable FAA regulations and MMR flight paths as shown on the map referred to in Section 3465(4).

17. Avian impact avoidance. Applicants for a special permit for a CWES shall submit to the Planning Board documentation that the siting, equipment selection, facility design, and operation management will effectively minimize avian impacts, evidenced by an avian impact assessment conducted by a qualified third party, assessing the potential impact of the proposed WECS upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis shall also include an explanation of potential impacts and propose a mitigation plan, if necessary.

B. Residential Wind Energy Systems (RWES).

1. Shall consist of a single wind turbine per lot, with a rated capacity less than 10 kW.
2. The overall height shall be determined by special permit. Overall height must be consistent meeting the setback requirements of Section 3465 A.6 and, if more restrictive, shall not exceed seventy-five (75) feet in overall height unless as part of the special permit process the applicant demonstrates that additional height is functionally essential and that the additional height does not does not substantially increase any adverse impacts.

C. Neighborhood Wind Energy System (NWES)

1. Shall consist of a single Class I, II, or III net metering wind turbine as defined by the Massachusetts Department of Public Utilities, with a rated output greater than 10kW, located in a residential district.

2. Shall be owned by or serve the energy needs of multiple residential customers, served by a single utility in a single neighborhood.
3. Shall be subject to the requirements of the CWES specified in Section 3465 D.

D. Commercial Wind Energy Systems (CWES).

1. A Wind Turbine with a rated capacity of more than 10 kW
2. May include multiple wind turbines, however, in no event, shall the number of wind turbines exceed one (1) per two (2) acres,
3. Land area may be comprised of several contiguous parcels single or multiple ownership.
4. A wind turbine erected on a lot with another principle use requires a lot area twice the minimum lot area as stated in Section 2500.
5. Height shall be determined by special permit. The Planning Board shall make findings that the height proposed reflects industry standards for a similarly-sited facility, and is necessary for adequate operation of the CWES.
6. Projects including land in multiple ownerships shall include each owner of the land as a party to the application and, upon plan approval, subject to its provisions.
7. Telecommunications. CWES may include telecommunication antennas provided they comply with Section 2500 of this bylaw. The telecommunications carrier shall be named as the co-applicant. Co-applications are encouraged.

3466. Procedural Requirements:

A. Special permit submittals

1. **Site Plan.** A site plan must be submitted, prepared to scale by a registered land surveyor or civil engineer showing the location of the proposed

WECS, distances to all property lines, existing and proposed structures, existing and proposed elevations, public and private roads, above ground utility lines and any other significant features or appurtenances. Any portion of this section may be waived if in the opinion of the Planning Board the materials submitted are sufficient for the Board to make a decision.

2. **Inspection.** Provisions for inspection and maintenance must be made and identified in the submittals.

B. Building permit submittals

1. **Wind Turbine structure drawings.** Building permit applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. Documentation showing compliance with the Massachusetts State Building Code certified by a licensed professional engineer shall also be submitted. (Manufacturer specifications may be suitable at the discretion of the Inspector of Building)
2. **Electrical drawings.** Building permit applications for WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
3. **Utility Notification.** No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
4. **Insurance.** The applicant shall be required to show evidence of liability insurance in an amount and for duration sufficient to cover loss or damage

to persons and structures occasioned by the failure or performance of the facility.

C. Abandonment A WECS shall be considered to be abandoned if it is not operated for a period of two years or if it is designated a safety hazard by the Inspector of Buildings. Once a WECS is designated as abandoned, the owner shall be required to physically remove the WECS within 90 days of written notice. "Physically remove" shall include, but not be limited to:

1. Removal of WECS, any equipment shelters, and security barriers from the subject property.
2. Removal of foundation, unless in the opinion of the Inspector of Buildings the foundation will pose no hazard.
3. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
4. Restoring the location of the WECS to its natural condition, except that any landscaping and grading shall remain in the after-condition.

D. Modifications. All modifications to a WECS made after issuance of the Special Permit shall require approval by the Planning Board.

E. Professional Fees. The Planning Board may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be the expense of the applicant.

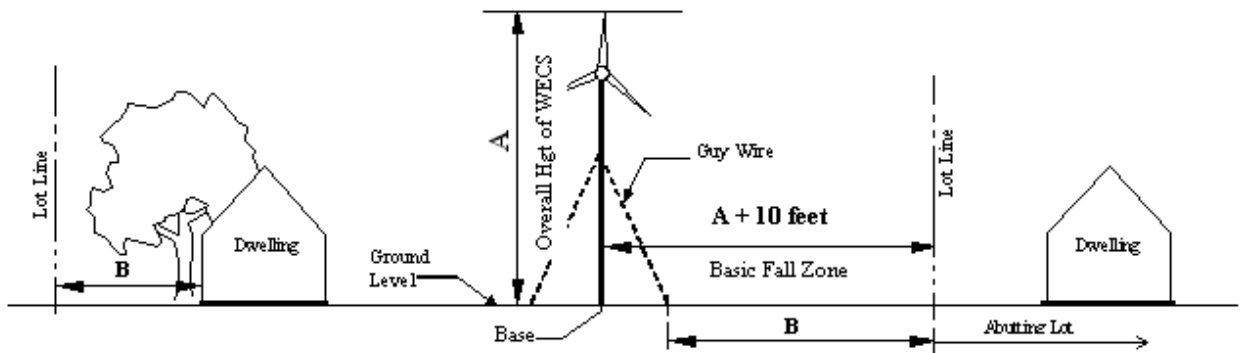
3467. Security.

A. Requirement. In conjunction with the above special permit approval process the Planning Board may require the posting of a bond or other security to assure satisfactory fulfillment of the above, in such sum and in accordance with such conditions as the Board may determine necessary.

B. Exception. The Board need not require security where there is full assurance of compliance with the above special permit

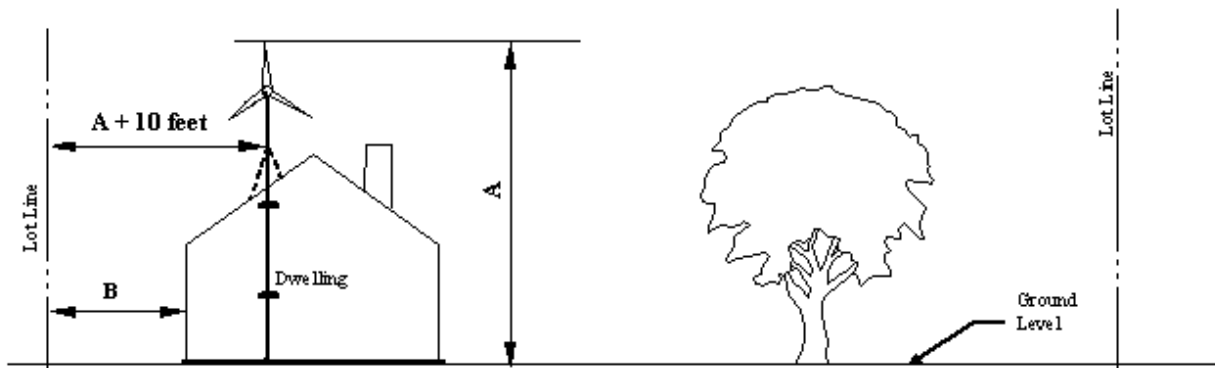
C. Amount. The amount of security required shall not exceed either the estimated costs of the measures proposed, or the estimated cost of restoration of affected lands and property if the work is not performed as required, whichever is the greater.

Figure A & B



A = Overall height of WECS
B = Standard structure setback

**Free standing WECS
(Figure A)**



**Building Mounted WECS
(Figure B)**

Finance Committee Recommendation

This article deals with several issues regarding relatively new wind energy technology. The wording of this article has been re-worked to add clarity to its effect on commercial and residential properties. Refining articles of this type are a work in progress, and further amendments will probably be forthcoming as our experience evolves and technology changes.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

ARTICLE 24: To see if the Town will vote to amend the Town By-Laws by adding a new **Article 3.15 Business Licenses** as follows or take any other action relative thereto.

Sponsor – Town Clerk

Section 3.15 Business Licenses

Section 3.15.1

Certificate. Any person conducting a business in the Town of Bourne under any title or name other than the actual given name of the person conducting the business, whether individually or as a general partnership, shall file with the office of the Town Clerk within thirty (30) calendar days after commencing business a certificate stating the full name and residence address of each person conducting such business, the place, including street number, where, and the title under which it is conducted, and shall amend and/or renew said certificate from time to time as be necessary.

Section 3.15.2

Oath. Such certificate shall be executed under oath by each person whose name appears therein as conducting such business and shall be signed by each person in the presence of the Town Clerk or a person designated by the Town Clerk or in the presence of a person authorized to take oaths.

Section 3.15.3

Identity. The Town Clerk may request the person filing such certificate to produce evidence of his identity and, if such person does not, upon request, produce evidence thereof satisfactory to such Clerk, the Clerk shall enter a notation of that fact on the face of the certificate.

Section 3.15.4

Discontinuance. A person who has filed such a certificate shall, upon his/her discontinuing, retiring or withdrawing from such business or partnership, or in the case of a change of residence of such person or the location where the business is conducted, file in the office of the Town Clerk a statement under oath that he/she has discontinued, retired or withdrawn from such business or partnership or of such change of his/her residence or of the location of such business. In the case of the death of such person, such statement may be filed by the executor or administrator of his/her estate.

Section 3.15.5

Issuance/Renewal. A certificate issued in accordance with this section shall be in full force and effect for four (4) years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Section 3.15.6

Availability. Copies of such certificates shall be available at the address at which such business is being conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business.

Section 3.15.7

Fees. Fees for filings under this section shall be those established pursuant to Massachusetts General Law Chapter 262; Section 34 or as adopted at any Annual or Special Town Meeting.

Section 3.15.8

Certificates. Certificates issued pursuant to this section shall be in lieu of those required under Massachusetts General Law Chapter 110; Section 5.

Section 3.15.9

Notice. The Town Clerk's office shall cause a notice to be sent via certified mail to the violator informing him/her of such violation and giving the violator thirty (30) calendar days in which to comply with this By-Law.

Section 3.15.10

Fine. Any person found to be in violation of this By-Law may be subject to

the provision(s) of Massachusetts General Law Chapter 110; Section 5, by a fine of \$300.00 fine for each month during which such violation continues or subject to the Non-Criminal Violation Section 6.1.1 of the Town By-Laws by a fine of \$50.00 for each month during which such violation continues.

Section 3.15.11

Non-Criminal Violation Procedure. The non-criminal violation procedures of Section 6.1.2 of the Town of Bourne By-Laws may be used for the enforcement of the provisions of this By-Law.

Finance Committee Recommendation

The provisions of this new bylaw largely mirror State requirements and would apply only to a businesses whose name does not include the actual name of the person conducting the business.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

Article 25: To see if the Town will vote, upon the recommendation of the **Community Preservation Committee**, to appropriate a sum of money for the purposes of the administrative and operating expenses of the Community Preservation Committee, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

Finance Committee Recommendation

We periodically authorize the Community Preservation Committee to set aside money from the Community Preservation Fund for operating expenses. These expenses run the gamut from paying for a Secretary to take minutes to office supplies to legal and appraisal expenses. We last appropriated \$30,000 for this purpose. The Committee expended the majority of the funds for expenses in quest of purchase of land on Mashnee Island.

The Finance Committee voted unanimously (9-0) to recommend approval of this article

Article 26: To see if the Town will vote, upon recommendation of the **Community Preservation Committee**, to appropriate a sum of money for the following Community Preservation Fund purposes, and to meet said appropriation, to transfer from available funds, or reserve from the FY 2011 Estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto:

Sponsor – Community Preservation Committee

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommends	To Be Funded From
A	Bourne Housing Partnership & Bourne Affordable Housing Trust	Fund position of Affordable Housing Specialist - (including equipment, supplies, and expenses).	Community Housing	\$51,500.00	\$ 51,500.00 Community Housing Resources Estimated Revenues
B	Bourne Housing Authority	Upgrade the Electrical Service at the Continental Apartments.	Community Housing	\$100,000.00	\$86,034.00 Community Housing Estimated Revenues & 13,966.00 from Undesignated Fund Balance
C	Town Clerk	To bind and re-bind permanent town birth, death, marriage records; install shelving in the Clerk's vaults, purchase proper archival storage containers.	Historic Resources	\$20,000.00	\$20,000.00 Historic Resources Estimated Revenues
D	Bourne Society for Historic Preservation	Restoration of the east sill foundation of the Briggs-McDermott House.	Historic Resources	\$5,992.00	\$5,992.00 Historic Resources Estimated Revenues
E	Bourne Archives	Digitization and Conservation of Town Records and Photographic Materials.	Historic Resources	\$22,689.00	\$22,689.00 Historic Resources Estimated Revenues
F	Town Administrator	Town Hall Restoration, Preservation and Replacement of Windows and Gutters	Historic Resources	\$100,000.00	\$88,853.00 Historic Resources Estimated Revenues & \$11,147.00 from Undesignated Fund Balance

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommends	To Be Funded From
g	Community Preservation Committee	Reserve for Open Space	Open Space	\$373,928.00	2011 Open Space Estimated Revenues
h	Community Preservation Committee	Reserve for Community Housing	Community Housing	\$0.00	2011 Community Housing Estimated revenues
i	Community Preservation Committee	Reserve for Historic Resources	Historic Resources	\$0.00	2011 Historic Resources Estimated Revenues
j	Community Preservation Committee	2010 Budgeted Reserve	All CPA Purposes	\$0.00	2011 Other CPA Purposes Estimated Revenues
		Total Funding Summary		\$674,109.00	

Finance Committee recommendation will be made at Town Meeting

ARTICLE 27: To see if the Town will vote to **amend Section 2711** and **Section 2752** of the Bourne Zoning Bylaws concerning a Technology Campus use by removing the restriction of access to a “limited access” state highway, as follows, or take any other action in relation thereto.

Sponsor – Planning Board

2711. Technology Campus. Technology Campus use may be permitted only on premises comprising not less than 50 contiguous acres having direct access from a limited access State highway, unless it can be demonstrated that access to a limited access state highway is not feasible. (See section 2752a)

2752 a) Access. Access to a Technology Campus shall be provided directly from a limited access State highway unless it can be demonstrated that access to a limited access state highway is not feasible. It shall be the Planning Board’s sole discretion to determine if access is not feasible. The applicant shall provide sufficient information to the Planning Board before the determination is made

If the Board approves an alternative access the applicant must submit access and roads designs consistent with the standards of the Bourne Subdivision regulations specifically section 223 Standards of Access Adequacy.

The Planning Board may require further engineering or analyses to be prepared at the expense of the applicant, employing professionals approved by the Board.

Finance Committee Recommendation

Approval of this article will be a preliminary step in allowing the existence of a Technology Campus in Bournedale. This is an initiative that could have a tremendous impact on the Town of Bourne. Because the Massachusetts Highway Department will not be creating an access exit to connect to the proposed campus, a connecting road needs to be constructed.

The Finance Committee voted unanimously (8-0) to recommend approval of this article.

ARTICLE 28: To see if the Town will vote to **amend** Section 2744 b) of the Bourne Zoning Bylaws to permit a more economically beneficial use of land for a technology campus in the Bournedale Overlay District by authorizing the Bourne Planning Board to reduce or eliminate setback requirements except in areas abutting residences or wetlands, to read as follows, or take any other action in relation thereto.

Sponsor – Planning Board

Section 2744 b)

For a Technology Campus Use, all buildings and parking areas shall be set back not less than two hundred (200) feet from the perimeter of the Campus. The Planning Board may grant a special permit authorizing a reduction of the perimeter setback (except where the perimeter abuts a residential use or is conflict with section 4330). The Board must find that the reduction will result in better design, improved protection of natural, cultural or scenic resources, and greater economic benefit to the Town, and will otherwise comply with this Bylaw.

Finance Committee Recommendation

This article seeks to increase the area available for development without affecting residential abutters or environmentally sensitive areas within the campus.

The Finance Committee voted unanimously (8-0) to recommend approval of this article.

ARTICLE 29: To see if the Town will vote to **amend** Section 4300 of the Bourne Zoning Bylaws by **adding** Section 4335 to allow for an increase in allowable height for buildings proposed in a technology campus in the Bournedale Overlay District, to read as follows, or take any action in relation thereto.

Sponsor – Planning Board

4335. Building Height. In a Technology Campus the Planning Board may grant a special permit authorizing an increase to the allowable building height provided that the increase meets the Purpose and intent of Section 2720.

Finance Committee Recommendation

This article seeks to increase the allowable height from the present forty foot limit for buildings within the technology campus to accommodate such things as research equipment.

The Finance Committee voted unanimously (8-0) to recommend approval of this article.

ARTICLE 30: To see if the Town will vote to **amend** Section V-Definitions of the Town Zoning By-laws by **revising** the definition of “Technology Campus” as follows, or take any other action in relation thereto.

Sponsor – Planning Board

DEFINITIONS

Technology Campus

Premises comprising not less than 50 contiguous acres, committed to such uses as medical, biomedical, electronic, environmental, and marine

technology development and other compatible uses; educational institutions and associated support services and open space, allowable on special permit under Section 4300.

Finance Committee Recommendation

This article seeks to revise the definition of “Technology Campus” to allow additional compatible uses that will attract the desirable types of uses that it is seeking and removes the concept of a “limited access” state highway, which brings the definition in line with the bylaws referenced in Article 28.

The Finance Committee voted unanimously (8-0) to recommend approval of this article.