

**ANNUAL TOWN MEETING
MAY 5, 2008
7:30 P.M.**

ARTICLE I: 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 therefor 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.

MOTION: We move the Town so vote.

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 (12-0) 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

MOTION: We move that the Town 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, as follows:

Moderator	\$ 515.00
Selectmen 5 ea 1,500.00	\$ 7,500.00
Town Clerk	\$32,832.73

We further move that the sum of \$40,847.73 be raised and appropriated for the purpose of this article.

Finance Committee Recommendation

This article sets the salaries for our seven elected officials for the year starting on July 1st. The annual salaries for Selectmen are unchanged from Fiscal Year 2008 at \$1,500 each. The Town Clerk will be given a 3% raise to \$32,832.69 and the Moderator's salary is being increased by \$15.00. The total we pay our elected officials will be \$40,848.

The Finance Committee voted (9-1) to recommend approval of this article.

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

MOTION: We move that the sum of 49,986,882.00 be appropriated for the regular annual expenses of the Town for the fiscal year July 1, 2008 to June 30, 2009, of which 10,813,153.00 shall be for salaries and wages and 39,173,729.00 shall be for expenses, all segregated to the accounts as printed in the Board of Selectmen's recommendations attached to this motion and incorporated herein by reference, except that amounts for Town and Regional Schools may wholly or in part be used for salaries and wages; and to meet this appropriation, we further move that the sum of \$312,850.00 be transferred from PL874 grant funds for the town's school expenses, the sum of \$895,000.00 be transferred from the Ambulance Fund to the Town Ambulance operation, the sum of \$30,000.00 be transferred from Conservation Commission Receipts reserved for appropriation for the Conservation Commission, the sum of \$661,771.00 be appropriated from FY2009 Estimated Community Preservation Fund Revenues for debt expense for Open Space and Recreation purposes, the sum of \$30,505.00 be transferred from the Community Septic Management program, the sum of \$75,000.00 be transferred from the Waterway

Improvement Fund, the sum of \$611,381.00 transferred from free cash and the sum of \$47,370,375.00 be raised and appropriated.

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

MOTION: We move the sum of \$730,234.00 be authorized to be expended by the Sewer Commissioners for the operation of the Sewer Department as follows:

Salaries & Wages	\$136,932.00
Expenses	\$585,802.00
Reserve Fund	\$ 7,500.00

And we further move that the sum of \$158,261.00 be transferred to the General Fund to offset Sewer Enterprise indirect expenses, and in order to meet this appropriation, we move that the sum of \$9,713.00 be transferred from the Massachusetts Water Pollution Abatement Trust Reserve Account and the sum of \$878,782.00 be raised from Sewer Enterprise Receipts.

Finance Committee Recommendation

The Sewer Enterprise Fund Budget increased by 15.09% from last year's budget due primarily to an increase in the fee we pay Wareham. A modest amount of money is budgeted for capital expenditures, and salaries and wages have increased. This is a "bare bones" budget.

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

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

MOTION: We move that the Town vote to appropriate any sums of money received or to be received from the Commonwealth of Massachusetts for the purposes of this article.

Finance Committee Recommendation

Each year the governor's budget appropriates Chapter 90 funds for each of the towns in Massachusetts. This local aid helps maintain safety and accessibility for all citizens on all Massachusetts roads and bridges. The dollar amount varies from year to year so at each Annual Town Meeting, and we must vote to allow our Department of Public Works to spend the appropriation.

The Finance Committee voted unanimously (12-0) 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

MOTION: We move that the Town vote to raise and appropriate the sum of \$300,000.00 for the purpose of this Article.

Finance Committee Recommendation

We vote annually to establish a Reserve Fund to provide for unforeseen but necessary expenses of the Town. These monies are spent with the approval of the Finance Committee and any balance at the end of the year is returned to the General Fund.

The Finance Committee voted unanimously (10-0) 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

MOTION: We move that the sum of \$12,983,595.00 be authorized to be expended for the operation of the Integrated Solid Waste Management Enterprise Fund as follows:

Salaries & Wages	\$ 1,770,397.00
Expenses	\$10,488,198.00
Reserve Fund	\$ 225,000.00
Host Community Fee	\$ 500,000.00

And we further move that the sum of \$2,180,561.00 be transferred to the General Fund to offset ISWM Enterprise Fund indirect expenses and in order to meet this appropriation, we further move the sum of \$15,164,156.00 be raised from receipts from the ISWM Enterprise Fund for the purpose of this article.

Finance Committee Recommendation

This article approves the operating budget of ISWM for the coming year. The operating expenditures budget is up 8.4 % over last year's budget. Some of the expenses contributing to the increase are utilities, gasoline, engineering, insurance and salaries. The ISWM budget includes the costs associated with the disposal of the town's municipal solid waste. In addition, ISWM will continue to pay for curbside trash pick up and curbside recycling. The Host Community Fee, Reserve Fund and Indirect General fund Expenses are level funded for FY09.

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

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

MOTION: We move the Town so vote.

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 (12-0) 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 2008 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	\$ 50,000.00
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	\$ 20,000.00

Number	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2008 Spending Limit
6	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	\$ 2,500.00
Total spending					\$ 257,500.00

MOTION: We move that the Town vote under the authority of M.G.L. Chapter 44, Section 53 E ½ to establish Revolving Funds to be entitled herein and to authorize the spending limits for the Recreation Programs Fund in the amount of \$100,000.00, the Shellfish Propagation Fund in the amount of \$35,000.00, the School Transportation Fund in the amount of \$50,000.00, the After School Activity Fund in the amount of \$50,000.00, the Public Library Book Fund in the amount of \$20,000.00 and the Composting Bins Fund in the amount of \$2,500.00.

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 as to how this is done, and it requires that the funds be reauthorized every year in order to be sure each fund is used as intended.

The Finance Committee voted 10-1 to recommend approval of this article.

See Appendix "C" Supporting Information on Page 79

ARTICLE 10: To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow to implement the following **capital improvements and capital projects**. Or take any other action in relation thereto

Sponsor – Capital Outlay Committee

ITEM	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
A	Wastewater Study Phase I	\$ 22,000.00		Free Cash
B	Police Cruisers	\$ 111,009.00	Ch 44, Sec 7(9)	Borrowing
C	Windows Police Station 2nd Floor	\$ 20,000.00		Article 10k ATM May 2002 Library Roof 20,000.00
D	Headquarters Feasibility Study	\$ 100,000.00		Free Cash
E	C-142 Deputy Car	\$ 46,000.00	Ch 44, Sec 7(9)	Borrowing

ITEM	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
F	Ambulance Computers	\$ 70,000.00		Article 15 STM Nov 2001 Resurface Tennis Court 4,165.83 Article 10O ATM May 2004 Town Hall Tennis Court 6,111.85, Article 10d ATM May 2003 Police Showers 13,292.00, Article 10b ATM May 2007 Police Station Fire Escape 5,549.79. Free Cash 40,880.53.
G	Replace two fuel lines Taylors Pt Marina	\$ 70,000.00		Waterways
H	Replace Electric Service DNR Garage	\$ 10,000.00		Article 10k ATM May 2002 Library Roof 9,831.94, Article 10c ATM May 2003 Police Station Roof 166.26, Article 10b ATM May 2007 Police Station Fire Escape 1.80
I	Annual Dredging	\$ 75,000.00		Waterways
J	Repair Greenhouse and replace entrance roof BHS	\$ 96,100.00	Ch 44, Sec 7(3A)	Borrowing 91,370.00, Article 10k ATM May 2002 Library Roof 4,730.00
K	Upgrade Security System BHS	\$ 150,000.00	Ch 44, Sec 7(3A)	Borrowing
L	Technology Plan	\$ 227,250.00	Ch 44 Sec 7(28)	Borrowing
M	Dump Truck T-5	\$ 125,000.00	Ch 44, Sec 7(9)	Borrowing
N	Dump Truck T-8	\$ 125,000.00	Ch 44, Sec 7(9)	Borrowing
O	Sweeper	\$ 185,000.00	Ch 44, Sec 7(9)	Borrowing

ITEM	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
				Article 3-6 STM Jan 2005 Upgrade Pocasset River Marina, 11,408.43, Article 42 ATM May 1998 Pocasset River Marina Repairs 3,818.51, Article 27 ATM May 2006 Board of Health Truck 138.74, Article 10m ATM May 2003 25 CY DPW Packer 352.00, Article 8 ATM May 2005 One Ton DPW Dump Truck 1,054.46, Article 8 ATM May 2005 1/2 Ton DPW Pickup 1,074.52, Article 27 ATM May 2006 DPW Dump Truck 2,234.70, Article 10e ATM May 2003 Fire Rescue Vehicle 864.96, Article 10e ATM May 2004 Ladder Truck 165.64, Article 13 STM Nov 2000 Monument Beach Marina Improvements 9,242.97, Article 9 STM Oct 2003 Monument Beach Marina 8,787.96, Article 10b Police Station Fire Escape ATM May 2007 248.41, Article 8 ATM May 2005 Fire Station 4 Roof 2,370.00, Article 10l ATM May 2007 Street Lights TPMarina 2,238.70
P	Chipper	\$ 44,000.00		
Q	Recycle Truck	\$ 115,000.00		ISWM Ret Earnings
R	Catch Basin Cleaner	\$ 125,000.00	Ch 44, Sec 7(9)	Borrowing
S	Vehicle Pool Ford Escape	\$ 19,100.00		Free Cash
T	Replace Pumps and Panels	\$ 100,000.00	Ch 44, Sec 7(9)	Borrowing
U	Control Panel Main Street	\$ 15,000.00		Sewer Ret Earnings
V	Replace White Roll off truck	\$ 140,000.00	Ch 44, Sec 7(9)	ISWM Ret Earnings
W	Replace 1999 Ford F-150 Pickup	\$ 35,000.00	Ch 44, Sec 7(9)	ISWM Ret Earnings
X	PhaseIIA/IIIA Landfill Area 1 Cap	\$2,200,000.00	Ch 44, Sec 8(24)	Borrowing
Y	Replace Komatsu 155A Dozer	\$ 600,000.00	Ch 44, Sec 7(9)	Borrowing
Z	Gas Electrical Generator & Appurtenances	\$ 430,000.00	Ch 44, Sec 7(9)	Borrowing 345,000.00 and ISWM Ret Earnings 85,000.00
		\$5,255,459.00		

MOTION: We move that the Town vote to appropriate \$5,255,459.00 for the capital outlay projects listed in the capital outlay report as specified; and to meet this appropriation we move to transfer \$181,980.53 from Free Cash; \$145,000 from the Waterway Improvement Fund; \$375,000.00 from Integrated Solid Waste Management Retained Earnings; \$15,000.00 from Sewer Retained Earnings; \$4,165.83 from Article 15 of the November 2001 STM; \$6,111.85 from Article 10 O of the May 2004 ATM; \$864.96 from Article 10 E of the May 2003 ATM; \$165.64 from Article 10 E of the May 2004 ATM; \$2,370.00 from Article 8

of the May 2005 ATM; \$13,292.00 from Article 10 D of the May 2003 ATM; \$5,800.00 from Article 10 B of the May 2007 ATM; \$166.26 from Article 10 C of the May 2003 ATM; \$34,561.94 from Article 10 K of the May 2002 ATM; \$11,408.43 from Article 3-6 of the January 1995 STM; \$3,818.51 from Article 42 of the May 1998 ATM; \$9,242.97 from Article 13 of the November 2000 STM; \$8,787.96 from Article 9 of the October 2003 STM; \$2,238.70 from Article 10 L of the May 2007 ATM; \$138.74 from Article 27 of the May 2006 ATM; \$352.00 from Article 10 M of the May 2003 ATM; \$1,054.46 from Article 8 L of the May 2005 ATM; \$1,074.52 from Article 8 K of the May 2005 ATM; \$2,234.70 from Article 27 of the May 2006 ATM. We further vote to authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$4,430,629.00 under and pursuant to Chapter 44, Section 7 & 8 of the General Laws as specified in the Capital Outlay Report, as amended, and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefore.

Finance Committee Recommendation

This article funds the FY09 Capital Plan recommendations of the Capital Outlay Committee except the Library Addition and Renovation which is covered in Article 21 and the replacement of the DNR Patrol Boat Y-53 which is Article 7 in the FY08 Special Town Meeting. The items recommended in this article are those which have been deemed to have the highest priority. Several items are being funded from dedicated sources such as the Waterways Improvement Fund, ISWM and Sewer Retained Earnings, transfers from closed articles and unused authorized borrowing.

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

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

ARTICLE 11: To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to the **Stabilization Fund**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to transfer \$50,000.00 from Free Cash to the Stabilization Fund.

Finance Committee Recommendation

This article continues the ongoing effort to rebuild our reserves by adding \$50,000 to Stabilization Fund. Even though the number is relatively small it represents an effort by the Town to bring our reserves to the stated policy levels.

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

ARTICLE 12: To see if the Town will vote to direct any additional moneys received from the **ISWM Host Community Fee** in excess of \$500,000 per year to a fund to be entitled the Capital Expenditure Stabilization Reserve Fund, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to direct any additional moneys received from the ISWM Host Community Fee in excess of \$500,000.00 per year into a fund entitled the Capital Expenditure Stabilization Reserve Fund.

Finance Committee Recommendation

Passage of this article will add Host Community Fees generated by ISWM which are in excess of \$500,000 to the Capital Expenditures Stabilization Fund which was established at last year's Annual Town Meeting. .

The Finance Committee voted unanimously (12-0) to recommend approval of this article

ARTICLE 13: To see if the Town will vote to **amend the Town of Bourne Bylaws** by deleting under **Article 3.6 Use of Waterways** Section 3.6.2 **Prohibited Waterski Areas**, Section 3.6.3 **Speed Restrictions**., Section 3.6.4 **Pollution**, and to renumber remaining Sections appropriately, or to take any other action in relation thereto.

Sponsor – DNR Director

MOTION: We move the Town so vote.

Finance Committee Recommendation

This article removes Article 3.6 in the Town of Bourne Bylaws because the items are also addressed in the Town's Waterways Regulations. The duplication is unnecessary.

The Finance Committee voted (10-1) to recommend approval of this article.

ARTICLE 14: To see if the Town will vote, upon recommendation of the **Community Preservation Committee**, to appropriate or reserve from the FY2009 Estimated Community Preservation Fund Revenues or transfer from the Community Preservation Fund Special Purpose Reserves or transfer from the Community Preservation Fund Unreserved Fund Balance for the following Community Preservation Fund purposes, or take any other action relative thereto:

Sponsor – Community Preservation Committee

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommend.	To be funded from
A	Town Clerk	To bind and re-bind permanent town birth, death, marriage intentions/licenses, town meeting minutes, town reports and street lists etc.	Historic Resources	\$8,000	2009 CPA Historic Resources Estimated Revenues
B	Bourne Society for Historic Preservation	Briggs-McDermott House: Insulating the walls of the House.	Historic Resources	\$9,000	2009 CPA Historic Resources Estimated Revenues

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommend.	To be funded from
C	Board of Selectmen	Cataumet Schoolhouse Accessibility Project: Construction of a movable ramp/or lift for use by disabled visitors.	Historic Resources	\$6,000	2009 CPA Historic Resources Estimated Revenues
D	Bourne Housing Partnership	Fund position of Affordable Housing Specialist(including equipment, supplies and expenses).	Community Housing	\$47,680	2009 CPA Community Housing Estimated Revenues
E	Bourne Housing Authority	To continue development of the Cape View Way Elderly Housing Project in N. Sagamore.	Community Housing	\$100,000	2009 CPA Community Housing Estimated Revenues
F	Bourne Housing Partnership	Bourne Housing Opportunity Purchase Program (to subsidize affordable home ownership and or rentals)	Community Housing	\$148,260	5,000 from 2009 CPA Comm. Housing Estimated Revenues and 143,260 from Community Housing Reserves
G	Buzzards Bay Village Association	To continue the "Three Mile Look" project located at the end of Perry Avenue in Buzzards Bay.	Open Space	\$8,000	2009 CPA Open Space Estimated Revenues
H	Open Space Committee	To make certain improvements to town owned parcels that were purchased for open space and passive recreation purposes (such as creating walking trails; small parking lots; deck on Great Herring Pond; and place signage on said parcels signifying that they are open for public use).	Open Space	\$75,000	2009 CPA Open Space Estimated Revenues

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommend.	To be funded from
I	Recreation Committee	Clarke Field in N. Sagamore: to create a new multi-use field along with the installation of irrigation.	Other CPA Purposes	\$125,000	65,000 from 2009 CPA Other CPA Purposes Estimated Revenues and 60,000 Undesignated Fund Balance
J	Monument Beach Civic Assoc.	Chester Park in Monument Beach: Purchase and install a piece of playground equipment.	Other CPA Purposes	\$25,000	2009 CPA Other CPA Purposes Estimated Revenues
K	Ella F. Hoxie School Council	Ella F. Hoxie Centennial Playground project at the Ella F. Hoxie Elementary School in N. Sagamore.	Other CPA Purposes	\$15,000	2009 CPA Other CPA Purposes Estimated Revenues
L	Community Preservation Committee	Reserve for Open Space	Open Space	\$370,899	2009 CPA Open Space Estimated Revenues
M	Community Preservation Committee	Historic Resources Reserve	Historic Resources	\$129,739	2009 CPA Historic Resources Estimated Revenues
N	Community Preservation Committee	Community Housing Reserve	Community Housing	\$59	2009 CPA Estimated Revenues
O	Community Preservation Committee	2009 Budgeted Reserve	All CPA Purposes	\$1,239	2009 CPA Other CPA Purposes Estimated Revenues
		Total Funding Summary		\$1,068,876	

MOTION: We move that the Town vote to appropriate and reserve the sum of \$1,068,876.00 for the Community Preservation Fund projects and special purpose reserves listed in the Community Preservation Fund Committee report as specified; and to meet this appropriation and reserve, we appropriate \$865,616.00 from the FY2009 estimated CPA revenues and transfer \$143,260.00 from the CPA Community Housing Unreserved Fund Balance and \$60,000.00 from the CPA Undesignated Fund Balance.

Finance Committee Recommendation

This article recommends multiple projects using funds from the Community Preservation Fund. The town previously voted to use the CPA funds for open space, community housing, historic

resources or recreation projects. The items in this article meet the standards for use of the CPA funds and are the proposed uses of the 2009 CPA funds.

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

ARTICLE 15: To see if the Town will vote to **amend the Town of Bourne Bylaws**, Article 1.7 Recreation Committee, Section 1.7.3 **Duties and Responsibilities** by deleting “Bourne Memorial Community Building” and inserting in place thereof the words “Bourne Veterans Memorial Community Center”, or to take any other action in relation thereto.

Sponsor – Bylaw Committee

MOTION: We move the Town so vote.

Finance Committee Recommendation

This bylaw amendment is to correct the name of the “Bourne Veterans Memorial Community Building” in our description of the Duties and Responsibilities of the Recreation Committee. There is no cost associated with this article and no change in the jurisdiction of the building.

The Finance Committee voted unanimously (12-0) to recommend approval of this article.

ARTICLE 16: To see if the Town will vote to amend the Town of Bourne Bylaws, Article 3.6 Use of Waterways, by adding a new Section, to be numbered **Section 3.6.6**, the current **Section 3.6.6** to be renumbered as **Section 3.6.7**, the new **Section 3.6.6** to read as follows, or take any action relative thereto.

Sponsor – Shore and Harbor Committee

“Section 3.6.6

Definitions. As used herein, the following terms shall have the following meaning:

“Little Bay” shall mean all waters south of Tobey Island Bridge to a line drawn from the western point of Ram Island, southwesterly in direction, to the southeast tip of Tobey Island.

“Permanent Mooring Reduction Area” In a permanent mooring reduction area, existing mooring permits on the date of the adoption of this Section shall be issued or re-issued to current mooring permit holders only and the total number of permits within the mooring reduction area shall be reduced hereafter through attrition.

Permanent Mooring Reduction Area. In order to preserve it as a scenic bay, the waterway area known as Little Bay is hereby classified a permanent mooring reduction area.”

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 17: To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the services of a professional or firm **to conduct a comprehensive review of municipal facilities** including a review of the physical condition and to report to the Town Administrator and Capital Outlay Committee any findings, or take any action relative thereto.

Sponsor – Capital Outlay Committee

MOTION: We move the Town appropriate \$80,000 for the purposes of this article and to further transfer the sum of \$80,000 from Free Cash.

Finance Committee Recommendation

The Capital Outlay Committee studies the capital needs of the Town on an annual basis, making various recommendations to the selectmen, finance committee and the voters at town meeting. These recommendations include the purchase of equipment for the various departments as well as recommendations on capital building projects. The Capital Outlay Committee is also charged with the development of a five year Capital Plan to address the needs of the town over the long term. This committee works weekly with department heads and the Town Administrator during the budget season.

During this budget season the Capital Outlay Committee looked at the future requests from the various departments that are in need of major construction projects. Based upon the requests of the department heads and the Town Administrator, the Capital Outlay Committee has determined that a facilities study is a priority for the Town. This study would be conducted by outside consultants and would seek to answer the Capital Outlay Committees questions on the priority for construction and renovation of various Town owned facilities.

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

ARTICLE 18: To see if the Town will vote to amend Article 10 (V) of the 2007 Annual Town meeting by inserting and adding “/architectural” after the word “feasibility” as it pertains to the New DPW Facility Study, or take any action in relation thereto.

Sponsor – Capital Outlay Committee

MOTION: We move the Town so vote.

Finance Committee Recommendation

The 2007 Capital Outlay Article included \$100,000 for a feasibility study for the construction of a new DPW facility. Insertion of the word “architectural” will allow us to use funds that are not needed for the feasibility study to begin design work on the proposed building.

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

ARTICLE 19: To see if the Town will vote to amend the Town of Bourne Bylaws, Article 3.14 **Demolition of Historic Structures**, by deleting the “Demolition” definition and add the definitions “Demolition-Total”, “Demolition-Partial”, and “Demolition Permit” and to further amend Section 3.14.3 c) Procedures, by deleting a portion of the paragraph “twice with the first notice being” the revised bylaw will now read as follows, or act in relation thereto:

Sponsor – Planning Board & Historic Commission

Article 3.14 Demolition of Historic Structures

3.14.2 Definitions

“Demolition-Total” – the act of pulling down, destroying, removing, razing, or moving an entire building or structure or the substantial destruction of a building or portion thereof, with the intent of completing the same.

“Demolition-Partial” – the act of pulling down, destroying, removing, razing or moving any portion of a building or structure, including the removal of architectural elements, which define or contribute to the character of the structure. However, shall not include the replacement of windows, roof

shingles or siding so as long as the new materials are the architectural equivalent to the ones being replaced.

“Demolition Permit” – any permit without regard to whether it is called a demolition permit, alteration permit, or building permit, if it involves total and partial demolitions.

3.14.3 Procedures

c) If the Town Planner determines that the subject building, or a portion thereof, meets one of more of the criteria of the above definition of “Significant Building,” the Commission shall within thirty (30) days of its receipt of a copy of an application for its demolition, conduct a public hearing to determine whether the Significant Building is preferably preserved; the Commission shall give notice of said hearing by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing. A copy of said notice shall be mailed to the applicant, to the owner of the premises on which the Significant Building is located (if other than the applicant) to the owners of all abutting property as they appear on the most recent tax list, and to such other persons as the Commission shall deem entitled to notice.

MOTION: We move the Town so vote.

Finance Committee Recommendation

The changes requested in this Article are meant to clarify the current Demolition Bylaw definitions by amending the current section 3.14.2, and by deleting the definition of Demolition and inserting in its place two new definitions, as printed in your book. These definitions now provide separate definitions for “Total Demolition” and “Partial Demolition” of Historic Structures. Most importantly demolition will now exempt replacement windows, roof shingles and siding. In addition, the notice of hearing will be placed once in the local newspaper instead of twice.

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The Finance Committee voted unanimously (11-0) to recommend approval of this article.

See Appendix “C” Supporting Information on Page 80

ARTICLE 20: To see if the Town will vote to raise and appropriate a sum of money for the purpose of **providing additional police services** for the Town of Bourne; said appropriation to be contingent on an override Proposition 21/2, so called, or act anything thereon.

Sponsor - Board of Selectmen

MOTION: We move the Town vote to raise and appropriate \$370,500 for providing additional police services for the Town of Bourne, contingent on an override Proposition 21/2 so called.

Finance Committee Recommendation

*The Board of Selectmen recommends adding officers to the Police Department to enable us to have a fourth cruiser on the road at all times contingent upon a targeted override of Proposition 2 ½. This article would raise and appropriate \$370,500 for that purpose **if** the override is subsequently approved by voters at the May Town Election An override of this amount would add about eight cents to the tax rate which translates in an annual tax increase of \$24 for the owner of real estate valued at \$300,000.*

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money for the **design, construction, renovation and addition to the Jonathan Bourne Public Library**, including costs incidental and related thereto, to authorize the Board of Library Trustees and Library Building Committee to expend the Massachusetts Board of Library Commissioners Construction Grant approved for this project and further to authorize them to apply for, accept and expend any other Federal, State or other Grants and donations or gifts that may be available for this project, and that such amount remaining after such reimbursements be borrowed, provided that no sum shall be borrowed unless the Town shall have voted at a Town Election to exempt the amounts required to apply for the bonds or notes issued for the project from the provisions of Proposition 21/2, or to take any action in relation thereto

Sponsor – Board of Library Trustees

MOTION: We move that the sum of \$9,160,254 is hereby appropriated to pay costs of designing, constructing, renovating, adding to and equipping the Jonathan Bourne Public Library, including the payment of any and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is hereby authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (3) and (3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however, that no amounts shall be borrowed or expended hereunder unless and until the Town shall have voted to exempt the amounts required to repay any bonds or notes issued for the purposes of this vote from the limitations of Proposition Two and One-half, so-called, and provided further that the Board of Library Trustees and the Library Building Committee are each authorized to apply for and accept any and all available grants or gifts that may be available to the Town on account of this project, and that the amount of any borrowing authorized by this vote shall be reduced to the extent of any grants or fits received by the Town on account of this project.

Finance Committee Recommendation

This article would authorize the Town to borrow and appropriate \$6.3 million contingent on a successful debt exclusion vote for the Town's share of a \$9.1 million renovation and expansion project at the Jonathan Bourne Public Library. The Library has received a Mass. Public Library Grant of \$2.8 million for the project. Fundraising by the Library may reduce the Town's share of the project.

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

ARTICLE 22: To see if the Town will vote to authorize the Town to accept the provisions of Massachusetts General Laws **Chapter 44, Section 55C** to establish an **Affordable Housing Trust** in accordance with a Declaration of Trust, Town of Bourne on file at the Office of the Town Clerk , or to take any action in relation thereto.

Sponsor – Bourne Housing Partnership Committee

MOTION: We move that the Town vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 55C and establish an Affordable Housing Trust as printed in Appendix C of the Warrant.

Finance Committee Recommendation

This article creates the Bourne Affordable Housing Trust and Revolving Fund and gives the Trust bonding authority, not to exceed the value of its portfolio. As a result, the bonds will not be a liability of the Town.

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

See Appendix "C" Supporting Information on Pages 81-85

ARTICLE 23: To see if the Town will vote to amend the **Bourne Zoning Bylaw Section 3100, Lowland Regulations**, by deleting Section 3110 a) through f) and replace with the following or take any other action in relation thereto:

Sponsor – Planning Board

3100. LOWLAND REGULATIONS

3110. Flood Area Provisions. With all "A" and "V" Zones as designated on the FEM issued Flood Insurance Rate Maps on file with the Town Clerk and Engineering Department, the following regulations shall apply to any new construction or substantial improvement.

- a) Any new construction or substantial improvements shall be in accordance with applicable flood hazards-related provisions of the Commonwealth of the Massachusetts State Building Code.
- b) Substantial Damage and Substantial Improvements are subject to cumulative costs. All permits for the same structure within a two-year period are considered a single improvement and/or repair. This period runs two (2) years prior to the issuance of any permit under consideration.
- c) The following shall be prohibited in all "A" and "V" Zones: mobile homes, campers, mobile home parks, and campgrounds. In "V" zones, the following are also prohibited: use of fill for structural support of the buildings, and any man made alteration of sand dunes, which increases potential flood damage.
- d) Where these Flood Area Provisions impose greater or lesser restrictions or requirements than those of other applicable bylaws or regulations, the more restrictive shall apply.

MOTION: We move that the Town vote to amend the Bourne Zoning Bylaw Section 3100, Lowland Regulations, by deleting Section 3110 a) through f) and replace with the new Section 3110 a) through f) set forth in this Article 23.

Finance Committee Recommendation

This article amends the Town of Bourne Zoning Bylaws for building in a floodplain and brings them into alignment with the Commonwealth of Massachusetts Building Code. This article also fulfills recommendations with the Town's Pre-disaster Mitigation Plan.

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

See Appendix "C" Supporting Information on Page 86

ARTICLE 24: To see if the Town will vote to amend the Bourne Zoning Bylaw **Section 2500 Intensity of Use Schedule footnote "q"** by adding the following language or take any other action in relation thereto:

Sponsor – Planning Board

- q. Increase allowable height by five feet for roof elements having a slope of 4" or more per foot.
(Note: The roof element with the 4" or greater slope must comprise at least 50% of the roof area for the increased height bonus)

MOTION: We move the Town vote to amend the Bourne Zoning Bylaw Section 2500 Intensity of Use Schedule footnote "q" by adding the new language in footnote "q" set forth in this Article 24.

Finance Committee Recommendation

This article amends the Town of Bourne Zoning Bylaws by requiring the roof element that is granted a height bonus comprise at least 50% of the total roof area, i.e. in the case of shed dormer.

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

See Appendix "C" Supporting Information on Page 87

ARTICLE 25: To see if the Town will vote to amend the **Bourne Zoning Bylaw Section 4250, Village Mixed Use Developments**, by adding zoning districts B-4 and VB in the first paragraph, deleting the existing language of b) and replacing as shown, and adding d) which shall then read as follows or take any other action in relation thereto:

Sponsor – Planning Board

4250. Village Mixed Use Developments. Mixed use involving both residential and non-residential principal uses on the same lot may be authorized on special permit by the Planning Board in the B-1, B-2, B4 and VB districts subject to these provisions. Such mix shall include non-residential uses and may include single, two-family, or multi-family dwellings as a co-occupant of a building together with one or more non-residential uses. The purpose of authorizing such mixed use is to broaden the diversity of housing provisions within the Town, to contribute to housing affordability, and to add residential activity to village centers. Special permits for mixed use shall be granted upon determination by the Planning Board that the proposal serves those purposes, is of net benefit to the neighborhood and the Town in relation to the considerations of Section 1330, and is in compliance with the following:

- a) Dwellings may be permitted under these provisions only on premises where the majority of the first floor area of all buildings on the lot combined will be occupied by one or more non-residential uses.
- b) Dwellings shall only be permitted upon the certification of the Board of Health or the Plumbing Inspector that the sewerage system is adequate to service the proposed non-residential use and the proposed number of residential units. In addition, each building must be served by access, drainage, and utilities determined by the Planning Board to be functionally equivalent to those required for separate lots.
- c) Requirements of Section 2400 Dimensional Regulations and 2500 Intensity of Use Schedule shall apply to dwellings authorized under this subsection, except that the extra lot area requirements otherwise required for two or more principal buildings by Section 2440 shall not apply and the protection against change in dimensional

requirements provided by Section 2450 for single - and two-family dwellings shall be extended to apply to buildings containing multi-family dwellings.

- d) Area requirements must meet the minimum lot area requirements for a commercial use as shown on Section 2500.

Because residential and commercial uses have peak parking demands at different times, the authorization in Section 3310 for the Planning Board to reduce required parking can normally be expected to result in no more than one additional parking space per dwelling unit in addition to those required for the non-residential uses on the premises.

MOTION: We move the Town vote to amend the Bourne Zoning Bylaw Section 4250, Village Mixed Use Developments, by adding zoning districts B-4 and VB in the first paragraph, by deleting the existing language of b) and replacing it with the language set forth in b) of this Article 25, and by adding d) as set forth in this Article 25, which amended Section 4250 shall then read as set forth in this Article 25.

Finance Committee Recommendation

This amendment to the Zoning Bylaws addresses a provision of the LCP to allow for mixed residential and commercial use in village centers. With this amendment mixed use is permitted in areas that do not have municipal sewers, only septic systems, with the permission of the Board of Health. In addition the lot must meet lot area requirements for a commercial use.

The Finance Committee voted unanimously (11-0) to recommend approval of this article

See Appendix "C" Supporting Information on Page 88

ARTICLE 26: To see if the Town will vote to amend the **Bourne Zoning Bylaw Section 2200, Use Regulations**, by deleting Sections 2210 Application & 2220 Use Regulation Schedule in their entirety and replace with the following or take any other action in relation thereto:

Sponsor – Planning Board

2210 Application. Uses shall be permitted in any district only in accordance with the following table. For uses allowed on Special Permit for an exception, the Special Permit Granting authority is indicated as follows:

"BA" - Board of Appeals

"SP*" - Board of Appeals, except Planning Board for development requiring site plan review under Section 1230..."

"S" - Board of Selectmen

"PB" - Planning Board

"SPR/SP" – Planning Board, a use authorized after review under Site Plan –Special Permit as provided in Section 1230.

"SPR" – Planning Board, a use authorized after site plan review by the Planning Board.

See Section 2230 for uses allowed in the Scenic Development District.

2220. Use Regulation Schedule

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
PRINCIPAL USES					
RESIDENTIAL USES					
Single-family dwelling	Yes	Yes	Yes	No	No
Two-family dwelling ³	Yes ⁵	Yes	Yes	No	No
Conversion of single-family into two-family without substantial alteration in exterior appearance ³	BA	BA	BA	BA	No
Multifamily dwelling ³	No ²	No ^{2, 11}	No ^{2, 11}	No	No
Taking not more than six persons as boarders or lodgers in a dwelling by a family resident therein ³	Yes	Yes	Yes	Yes	No
Mobile home parks, subject to Section 4200	No	No	SPR/SP	No	No
Campgrounds, subject to Section 4200	No	No	SPR/SP	No	No
Residential Social Service Facility ^{1, 3}	BA	BA	BA	No	BA
Transient dwelling	No ²	SP ²	SP ²	No	No
OPEN USES					
Farm or nursery without retailing	Yes	Yes	Yes	Yes	Yes
Farm or nursery with retailing	SPR ¹²	SPR ¹²	SPR ¹²	SPR ¹²	SPR ¹²
Standard or Par-3 golf courses	SPR/SP	SPR/SP	SPR/SP	SPR/SP	No
INSTITUTIONAL USES					
Patriotic, fraternal organizations, clubs, if not conducted for profit	SPR ¹²	SPR ¹²	SPR ¹²	SPR ¹²	No
Religious purposes, non-profit educational uses; philanthropic institutions	SPR ¹²	SPR ¹²	SPR ¹²	SPR ¹²	SPR ¹²
Municipal use voted at Town Meeting, or other public use not more specifically cited	SPR ¹²	SPR ¹²	SPR ¹²	SPR ¹²	SPR ¹²
Hospital, nursing home	SPR/SP	SPR/SP	SPR/SP	SPR/SP	No
TRANSITIONAL USES					
Use of dwelling as temporary real estate office ⁴	Yes	Yes	Yes	Yes	No
Open Space Community, subject to Section 4600	PB ⁵	PB	PB	PB	No
COMMERCIAL USES					
Technology Campus	No ¹⁰	No	SPR/SP	SPR/SP	No
Motor vehicle service stations, subject to Section 4500	No	S	S	No	No

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
Commercial recreation	No	SPR/SP	SPR/SP ⁷	SPR/SP	No
Adult uses, subject to Section 4800	No	No	SP* ⁶	No	No
Bank	No	SPR/SP	SPR/SP	SPR/SP	No
Restaurant	No	SPR/SP	SPR/SP	SPR/SP	No
Restaurant Fast Food, Takeout	No	SPR/SP	SPR/SP	SPR/SP	No
Professional or Business Office	No	SPR/SP	SPR/SP	SPR/SP	No
Retail Sales					
If having service to patrons while in motor vehicles	No	SPR/SP	SPR/SP	SPR/SP	No
If gasoline sales occur on the same premises	No	SPR/SP	SPR/SP	SPR/SP	No
Under 1,600 square feet gross floor area, and also fewer than 200 vehicle trip ends per average business day ⁸	No	SPR ¹²	SPR ¹²	SPR ¹²	No
More floor area or trip ends	No	SPR/SP ⁹	SPR/SP	SPR/SP	No
Animal kennels or animal hospitals, funeral homes	SPR/SP	SPR/SP	SPR/SP	SPR/SP	No
Hotels ³ , Motels ³ or similar establishments	No	SPR/SP	SPR/SP	SPR/SP	No
Flea Market	No	No	S	S	No
Manufacturing, processing, research	No	No	SPR/SP	SPR/SP	No
Contractor's Yard	No	No	SPR/SP	SPR/SP	No
Junkyards, earth removal, subject to Section 4400	No	No	SP*	SP*	No
Wholesaling, bulk storage, or other business use meeting requirements of Section 3400	No	SPR/SP	SPR/SP	SPR/SP	No
Extensive resort development, subject to Section 4600	SPR/SP ⁵	SPR/SP	SPR/SP	No	No
Village Mixed Use Development, subject to Section 4250	No	No ¹¹	No ¹¹	No	No
OTHER PRINCIPAL USES					
Seasonal Conversion	----- (See Section 4900) -----				
Other use having externally observable attributes similar to one above	----- As regulated above -----				No
All other uses	No	No	No	No	No
ACCESSORY USES					
Accessory dwelling (See Section 4120)	BA	BA	BA	No	No
Home occupation, subject to Section 4100	Yes	Yes	Yes	Yes	No

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
Roadside stand for sale of produce largely raised on the premises	Yes	Yes	Yes	Yes	No
Up to three guest houses ³	Yes	Yes	Yes	Yes	No
Signs, subject to Section 3200	Yes	Yes	Yes	Yes	No
Fishing-related activities	SP*	Yes	Yes	Yes	No
Other customary accessory uses	Yes	Yes	Yes	Yes	No

FOOTNOTES TO SECTION 2220 Use Regulation Schedule.

1. Provided that all Building Code, Health, and Zoning Bylaw requirements are met, and that the specific premises are not unsuitable in relation to the needs of the persons being cared for, and in consideration of avoidance of undue concentration of such facilities in any neighborhood.
2. Except PB in an Open Space Community (see Sections 4610 and 4642).
3. Special lot area rules apply: see Section 2500 and its footnotes.
4. If serving exclusively the subdivision or apartment complex in which it is located. Occupancy permits for such use shall be issued only for six-month periods, renewable only while development is being completed.
5. Except "NO" in R-80.
6. In Sensitive Use District only.
7. In so much of the B-4 district as lies between Clay Pond Road and Barlow's Landing Road no commercial recreation is allowed except for indoor exercise and health accommodations. (No coin or token operated amusement devices shall be permitted as a principal use.)
8. Trip ends (a trip beginning or ending) to be estimated based upon the most recent edition of the Institute of Transportation Engineers Trip Generation Manual.
9. Except "Yes" in B-1.
10. Except "PB" in the Bournedale Overlay District, to be permitted only under provisions of Section 2700 Flexible Resource Development.
11. Except PB in the B-1 and B-2 districts for development subject to Section 4250.
12. Site Plan Review (SPR) shall adhere to the same requirements of Section 1230 excluding special permit criteria.

MOTION: We move the Town vote to amend the Bourne Zoning Bylaw Section 2200, Use Regulations, by deleting Sections 2210 Application & 2220 Use Regulation Schedule in their entirety and replace said Sections with the new Sections as set forth in this Article 26.

Finance Committee Recommendation

This article is a housekeeping article, clarifying changes that have been made in recent years. This section of the bylaws has been changed many times and this article gets all the changes incorporated into the table.

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

See Appendix “C” Supporting Information on Page 89

ARTICLE 27: To see if the Town will vote to amend and update the **Local Comprehensive Plan** by enacting the following changes or take any other action in relation thereto:

Sponsor – Local Comprehensive Planning Committee

1. Revise the first Growth Management policy by adding wording on community character so that it reads:

Manage growth at sustainable rates that do not threaten Bourne’s fiscal stability, natural environment and community character.

2. Revise the first highest priority action for Growth Management by adding wording on commercial sprawl along roadways so that it reads:

Revise the zoning bylaw to strengthen village centers, protect open space, and discourage suburban-type residential and commercial sprawl along roadways.

3. Revise the Land Use goal by adding the words “mixed use” so that it reads:

The land use goal of the Bourne Local Comprehensive Plan envisions an attractive community of low-density residential development, with a strong commercial base, mixed-use historic village centers providing daily needs for goods and services, and a sense of community that reflects its maritime location and rural heritage.

4. Move the first of the Other Priority Actions for Land Use to the first position under Second Priority Actions for Land Use and revise it to include a study of commercial zoning on MacArthur Boulevard so that it reads:

Conduct a study of commercial zoning on MacArthur Boulevard and amend the zoning bylaw to effectively prevent strip commercial development.

5. Revise the second of the Second Priority Actions for Land Use by requiring that mapped village center zoning districts be reevaluated so that it reads:

Reevaluate mapped village center districts and amend the zoning bylaw to encourage mixed residential, retail, office and other commercial uses in the village centers and to strengthen locally owned village businesses.

6. Revise the second of the Other Priority Actions for Land Use by adding an exception for mixed-use village centers so that it reads:

Require deeper buffers between residential and commercial districts, except in mixed-use village centers.

7. Add a fourth action item under Highest Priority Actions for Open Space that reads:

Use mapped rare species habitat as a criteria for prioritizing open space acquisitions.

Responsibility: Open Space Committee

Estimated cost: None

Time schedule: Immediate and continuing

8. Revise the first action item under Other Priority Actions for Recreation by adding wording to explore a possible connection to the planned Falmouth bikeway so that it reads:

Develop a system of bikeways connecting all of Bourne's villages, to better separate bicycles from cars on major roads. Explore a possible connection to the planned Falmouth bikeway.

9. Revise the second Environmental Protection policy by including wetland buffers so that it reads:

Preserve and restore the quality and quantity of inland and coastal wetlands and their buffers.

10. Revise the third Environmental Protection policy by adding the words “natural communities” and including habitat areas that provide links with other open space areas so that it reads:

Protect natural habitats that support natural communities of local wildlife and plant species and habitat areas that provide links with other open space areas.

11. Add a fourth action item under Highest Priority Actions for Environmental Protection that reads:

Support and work to implement the Massachusetts Endangered Species Act by streamlining local review procedures with MESA review of projects.

Responsibility: Conservation Commission

Estimated cost: None

Time schedule: Immediate and continuing

12. Add a fifth action item under Highest Priority Actions for Environmental Protection that reads:

Strengthen the Wetland Protection Bylaw by extending the wetlands buffer from 50 to 100 feet and preventing any alterations to wetlands other than restoration.

Responsibility: Conservation Commission

Estimated cost: None

Time schedule: 2008

13. Modify the two sections on wetlands and water resources by changing the name of the Fresh Water Resources section to “Water Resources and Quality,” deleting all references to fresh water from the Coastal Resources section and moving certain fresh water policies and actions from the Coastal Resources section to the Water Resources and Quality section as specified in the following paragraphs.

14. Move the first Coastal Resources Policy to the section on Water Resources and Quality and replace it with a new policy that reads:

Ensure that future development and modification of existing development is properly sited and designed to minimize flood hazards and maintain the ability of coastal landforms to migrate naturally.

15. Revise the second Coastal Resources Policy by adding wording on related infrastructure so that it reads:

Restore sustainable commercial and recreational harvesting of both finfish and shellfish, and protect related infrastructure.

16. Revise the second action item under Highest Priority Actions for Coastal Resources by deleting the word “public” before recreation and adding the word “development” so that it reads:

Prepare and publicize a Coastal Resources Management Plan that addresses conflicts between shellfish habitat, navigation, recreation and development.

17. Move the first action item under Second Priority Actions for Coastal Resources, which supports programs to reduce nitrogen loading in Buzzards Bay, to the section on Water Resources and Quality.

18. Add a new first action item under Second Priority Actions for Coastal Resources that reads:

Revise the Flood Plain Zoning Bylaw to reflect the action items of the Bourne Pre-Disaster Hazard Mitigation Plan adopted in October 2004.

Responsibility: Planning Board

Estimated cost: Not known at this time

Time schedule: 2008

19. Amend the wording of the goal, policies and actions in the *Water Resources and Quality* section to reflect the change in name from *Fresh Water Resources*.

20. Replace the Highest Priority Actions and Second Priority Actions for Water Resources and Quality (formerly Fresh Water Resources) in their entirety with the following wording. (Note that some of these actions were previously adopted, but changed in order of priority, that others were moved from the Coastal Resources section, and that some have minor changes in wording.)

Highest Priority Actions for Water Resources and Quality

Support programs that evaluate the health of coastal waters, including the Coalition for Buzzards Bay, Massachusetts Estuaries Project, Buzzards Bay Project and others, to determine the extent of the problem and identify solutions.

Responsibility: Board of Selectmen, DNR and Conservation Commission

Estimated cost: None

Time schedule: Continuing

Remediate, treat or contain all sources of pollution in coastal embayments and estuaries in order to attain established Total Maximum Daily Loads (TMDL).

Responsibility: Board of Selectmen as Sewer Commissioners, Town Administrator, Board of Health and Pollution Task Force

Estimated cost: To be determined

Time schedule: 2017

Create a comprehensive wastewater management plan to upgrade public and private wastewater treatment facilities and methods in appropriate areas, especially in densely developed neighborhoods.

Responsibility: Board of Selectmen as Sewer Commissioners, Town Administrator, Board of Health and Pollution Task Force

Estimated cost: \$100,000 for engineering and consulting services

Time schedule: 2008

Support the Pond and Lake Stewardship (PALS) program to compile a biological, chemical and physical profile of each fresh water pond and waterway, and continually monitor all fresh water areas for changes in the profile.

Responsibility: DNR, Conservation Commission, Board of Health and water districts

Estimated cost: \$20,000 for environmental services

Time schedule: 2009

Develop and implement a management plan to maintain or restore fresh water environments to suitably clean condition.

Responsibility: DNR, Conservation Commission, Board of Health and water districts

Estimated cost: \$20,000 for consulting services

Time schedule: 2009

Establish appropriate development set-back distances from ponds and lakes to limit nutrient impacts from on-sit septic systems, lawn fertilizers and stormwater runoff.

Responsibility: Conservation Commission

Estimated cost: None

Time schedule: 2008

Improve communications between town, state and federal officials to coordinate policies and programs related to water quality.

Responsibility: Board of Selectmen, Town Administrator and water districts

Estimated cost: None

Time schedule: continuing

Second Priority Actions for Water Resources and Quality

Identify locations of private wells and septic systems, and undertake assessments to evaluate need for sewers and/or public water service.

Responsibility: Board of Health and water districts

Estimated cost: \$15,000 for environmental services

Time schedule: 2008

Initiate a continuing public education program on the effects of pollution from yard fertilization, recreational boating, birds and animals, and over-development.

Responsibility: Conservation Commission, Pollution Task Force and water districts

Estimated cost: \$20,000 for publication and distribution of educational materials

Time schedule: 2008

21. Modify the first action item under Highest Priority Actions for Affordable Housing to include the goal of at least ten percent affordable housing, so that it reads:

Actively carry out the provisions of Bourne's Affordable Housing Action Plan to create affordable housing throughout the town and to attain the plan's goal to raise the share of affordable housing to at least ten percent of year-round resident households by 2015.

22. Modify the Transportation Goal by replacing the word "freely" with "safely" so that it reads:

The transportation goal of the Bourne Local Comprehensive Plan is to create a system of transportation alternatives that allows Bourne residents and visitors to move safely, economically and efficiently within the town and between Bourne and other locations, both on and off Cape Cod.

23. Modify the first Transportation Policy by replacing the word "freely" with "safely" so that it reads:

Improve the flow of through traffic crossing Bourne, and separate through traffic from local traffic to allow both to move safely without interfering with each other.

24. Add a new first action item under Second Priority Actions for Transportation that reads:

Review all development proposals for consistency with the safety standards and mitigation strategies of the Cape Cod Commission Regional Policy Plan.

Responsibility: Planning Board

Estimated cost: None

Time schedule: Immediate and continuing

25. Modify the first action item under Second Priority Actions for Economic Development by replacing the words "Identify village centers to allow potential rezoning for..." with "Rezone village centers to encourage development of ..." so that it reads:

Rezone village centers to encourage development of mixed retail, office and service uses that primarily serve the surrounding neighborhood.

26. Modify the Capital Facilities Goal by adding wording to reinforce existing village centers so that it reads:

The capital facilities goal of the Bourne Local Comprehensive Plan is to identify needs and suggest means to provide adequate community facilities to meet the town's current and projected needs without placing undue burdens on its financial resources, and to reinforce existing village centers.

27. Modify the first Capital Facilities Policy by replacing the words "Infrastructure and Facilities Plan" with "Regional Policy Plan" so that it reads:

Development of new infrastructure, whether by public agencies or private entities, shall be consistent with Bourne's Local Comprehensive Plan and the Cape Cod Commission Regional Policy Plan.

28. Add a new fourth action item under Highest Priority Actions for Solid Waste Management so that it reads:

Continue the town's extensive household hazardous waste management programs in order to prevent hazardous waste from entering the landfill or otherwise being disposed of improperly.

Responsibility: DPW, ISWM and Recycling Committee

Estimated cost: None
Time schedule: Immediate and continuing

29. Update the time schedules of all action items in the plan so that items that were not completed in 2006 will be scheduled for 2007, that items not likely to be completed in 2007 will be scheduled for 2008, and mark completed items with the year they were completed.

MOTION: We move the Town vote to amend and update the Local Comprehensive Plan by enacting the changes set forth in this Article 27.

Finance Committee Recommendation

The Local Comprehensive Plan has come before Town Meeting twice before, initially as a policy plan, and in 2006 as a more specific statement of how those policies could be applied. This iteration of our Plan is the result of consultations with the Cape Cod Commission. The substance of the Plan remains the same, but these slight modifications will enable the town to take full advantage of the resources and staff assistance available from the Commission. Once again, the Plan is not binding, but rather a recitation of what the Local Comprehensive Planning Committee believes should be our guiding principles in future actions.

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

ARTICLE 28: To see if the Town will vote to accept the provisions of **Massachusetts General Laws, Chapter 39, Section 23D(a)** for all Boards, Committees or Commissions holding adjudicatory hearings in the Town. The provisions of MGL Ch 39 Sect. 23D will provide that a member of a board, committee, or commission holding an adjudicatory hearing will not be disqualified from voting in the matter solely due to a member's absence from one session of such hearing, provided that certain conditions are met; or act anything in relation thereto.

Sponsor – Planning Board

MOTION: We move the Town vote to accept the provisions of **Massachusetts General Laws, Chapter 39, Section 23D (a)** for all Boards, Committees or Commissions holding adjudicatory hearings in the Town.

Finance Committee Recommendation

This article seeks to qualify a board, committee or commission member who, after being absent from one session of a formal hearing that extends over several meetings, can be eligible to vote on the matter under consideration. In order to participate in the decision, the member must certify that a video or audio tape, or transcript of the meeting from which he/she was absent, was reviewed.

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

ARTICLE 29: To see if the Town will vote to amend the **Bourne Zoning Bylaw Section 2220**, Use Regulation Schedule, by changing **Village Mixed Use Development**, allowable uses from “No¹¹” to “PB” in the V-B/B-1 and B-2/B-4 column also delete footnote number #11 and replace as shown, which shall then read as follows or take any other action in relation thereto:

Sponsor – Planning Board

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
Village Mixed Use Development, subject to Section 4250	No	PB	PB	No	No

FOOTNOTES TO SECTION 2220 Use Regulation Schedule.

11. Development subject to Section 4250 - Village Mixed Use developments

MOTION: We move the Town vote to amend the Bourne Zoning Bylaw Section 2220, Use Regulation Schedule, by changing Village Mixed Use Development, allowable uses from “No¹¹” to “PB” in the V-B/B-1 and B-2/B-4 column and also delete footnote number #11 and replace as shown in this Article 29, which shall then read as set forth in this Article 29.

Finance Committee Recommendation

This article updates the Zoning Bylaw table for mixed use development if the zoning bylaw change in Article 25 is approved by Town Meeting.

The Finance Committee voted unanimously (11-0) to recommend approval of this article.

See Appendix “C” Supporting Information on Page 93