

**ANNUAL TOWN MEETING
“DOINGS”**

May 7, 2007

The Annual and Special Town Meetings were held on Monday, May 7, 2007 in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened at 6:52 p.m. by Moderator Duane Landreth when a quorum of 264 voters was announced by the Town Clerk, Cynthia May. There were 315 voters in attendance. Tellers sworn in were Ann Hodgkinson, Wally Swidrak, Jane Hinckley and John Hodgkinson.

Moderator Duane Landreth called for a moment of silence in memory of Ken Alman, Fourth of July Committee member and Francis O’Neil, Snow Library Trustee.

PROCEDURAL MOTION

Jon Fuller made a motion to dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

ACTION: Voted, voice vote carries unanimously.

PROCEDURAL MOTION

Mr. Fuller made a motion to adjourn the Annual Town Meeting until the close of the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

The SPECIAL TOWN MEETING was opened at 6:56 p.m.

PROCEDURAL MOTION

Jon Fuller made a motion to dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 1. PAY BILLS OF PRIOR YEARS

To see if the Town will vote to transfer from available funds a sum of money to pay bills of prior years under the provisions of Chapter 179, Acts of 1941, as amended, or to take any other action relative thereto. (9/10 Vote Required)

MOTION: To indefinitely postpone Article 1.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 2. TRANSFER ARTICLE

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2007 as follows:

- 1) transfer Seventeen Thousand and 00/100 Dollars (\$17,000.00), or any other sum, from the Fire Department Ambulance Billing Account to the Fire Department Overtime Salary Account;
- 2) transfer Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from the Parks and Beaches Salary Account to the Parks and Beaches Expense Account;
- 3) transfer Twenty-Eight Thousand and 00/100 Dollars (\$28,000.00), or any other sum, from available funds to the Contingency Self-Insurance Account;

Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 2 and the following transfers be made from available funds for the purpose(s) set forth in the article.

1. transfer Seventeen Thousand and 00/100 Dollars (\$17,000.00) from the Fire Department Ambulance Billing Account to the Fire Department Overtime Salary Account;
2. transfer Twenty-five Thousand and 00/100 Dollars (\$25,000.00) from the Parks and Beaches Salary Account to the Parks and Beaches Expense Account;
3. transfer Twenty-eight Thousand and 00/100 Dollars (\$28,000.00) from available funds to the Contingency Self-Insurance Account.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 3. FUND FY08 TOWN PAVEMENT MANAGEMENT PROGRAM

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for the purpose of funding the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To accept and adopt Article #3 as printed in the warrant and that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) pursuant to Massachusetts General Laws Chapter 44, section 7, clauses (5) and (6), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Standing vote, YES = 148, NO = 116, motions fails to pass by necessary 3/4 majority.

ARTICLE 4. CLOSING ARTICLE

And to act on any other business that may legally come before the meeting.
(Simple Majority Vote Required)

MOTION: To adjourn the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

The SPECIAL TOWN MEETING was closed at 7:15 p.m.

PROCEDURAL MOTION

Jon Fuller made a motion that all Town Officials or department managers or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the charter, and Susan Hyland, Nauset Regional School Business Manager, who is not a resident of the Town of Orleans, be permitted to address the Town Meeting on matters affecting their office, department or organization, or projects for which they have performed services for the Town.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 1. REPORT OF THE SELECTMEN, TOWN OFFICERS AND SPECIAL COMMITTEES

To act upon the Annual Report of the Board of Selectmen, Town Officers and other Special Committees. (Simple Majority Vote Required)

MOTION: To accept and adopt the report of the Selectmen, Town Offices and Town Committees, Commissions and Boards as published in the 2006 Annual Town Report and hear the report of the Planning Board on the Orleans Comprehensive Plan.

Planning Board Report on the Orleans Comprehensive Plan

As required by the Orleans Town Charter, I will give you a brief update on the Town's progress in implementing the Orleans Comprehensive Plan.

As you will recall, the Special Town Meeting last fall approved an update to the Town Plan that brought the inventory sections up to date. The Plan was unanimously approved by the Cape Cod Commission, and has been recertified as being consistent with the goals and policies of the Regional Policy Plan.

During the review process, Orleans was repeatedly commended for the Town's commitment to planning for the future, and the steps that have been taken toward implementing a sensible and user-friendly Comprehensive Plan. Those commendations are passed along to you, the Voters, Boards and Committees who have been supportive of taking the steps necessary to improve and preserve the character of Orleans.

The Planning Board looks forward to using our updated and recertified comprehensive plan in the upcoming years.

Among the highest priorities are:

- Completing a town-wide wastewater management plan,
- Encouraging a diversity of housing opportunities for our citizens,

- and
- Addressing traffic and pedestrian safety issues at key intersections of the town.

John Fallender, Vice Chairman
Orleans Planning Board

Carolyn Kennedy, Chair of the Marine and Fresh Water Quality Task Force, noted that the committee's report had been omitted from the published 2006 Annual Report.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 2. TOWN / SCHOOL BUDGET (FY08)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund and pay departmental expenses for the fiscal year commencing July 1, 2007 and ending June 30, 2008 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town, The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #2 and that the Town Meeting adopt the Selectmen's adopted FY08 budget as printed in the warrant and that the sum of Twenty-three Million Seven Hundred Eleven Thousand Nine Hundred Sixteen and 00/100 Dollars (\$23,711,916.00) be raised and appropriated, and the sum of Five Hundred Sixty-nine Thousand Eight Hundred Seventy-six and 00/100 Dollars (\$569,876.00) be transferred from the Community Preservation Fund, and the sum of One Hundred Thirty-five Thousand Six Hundred Twenty and 00/100 Dollars (\$135,600.00) be transferred from the Community Preservation Fund – Reserve for Debt Payments, and the sum of Six Hundred Fourteen Thousand and 00/100 Dollars (\$614,000) be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of One Hundred Forty-two Thousand Three Hundred Eighty and 00/100 Dollars (\$142,380.00) be transferred from the Water Surplus Fund, and the sum of Eighty-eight Thousand Five Hundred and 00/100 Dollars (\$88,500.00) be transferred from the Cable Fees Reserve for Appropriations Account, and the sum of Fourteen Thousand Eight Hundred Sixteen and 00/100 Dollars (\$14,816.00) be transferred from the Municipal Insurance Fund, and the sum of Ninety Thousand and 00/100 Dollars (\$90,000.00) be transferred from the Waterways Improvement Account, and the sum of Five Thousand and 00/100 Dollars (\$5,000.00) be transferred from the Water Pollution Abatement Trust, and the sum of Five Thousand and 00/100 Dollars (\$5,000.00) be transferred from the Wetlands Protection Fund, and the

sum of Fourteen Thousand Three Hundred Twenty-eight and 00/100 (\$14,328.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, for a total appropriation of Twenty-five Million Three Hundred Ninety-one Thousand Four Hundred Thirty-six and 00/100 (\$25,391,436.00), and that the sum of One Hundred Seventy-one Thousand and 00/100 Dollars (\$171,000.00) of the total for departmental expenses for the fiscal year beginning July 1, 2007 shall be considered a contingent appropriation and is being approved contingent upon the passage of a Proposition 2 ½ general override ballot question under the provisions of Massachusetts general Law Chapter 59 Section 21C, paragraphs (g) and (m).

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 3. CAPITAL IMPROVEMENTS PLAN

To see if the Town will vote pursuant to CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, Section 7, Action of Town Meeting, Sub-Section 8-7-1 of the Orleans Home Rule Charter, to act on the Capital Improvements Plan as published in the Warrant, by adopting said Plan with or without amendments thereto, which amendments may include an increase or decrease in the amount of money allocated to any particular line item contained therein, the addition of new line items or the deletion of line items contained therein, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #3 and that pursuant to Chapter 8, Financial Provisions and procedures, Section 7, Action of Town Meeting, Sub-section 8-7-1 of the Orleans Home Rule Charter, the Town Meeting accept the Capital Improvement Plan as printed in the warrant.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 4. COMMUNITY PRESERVATION ACT PROGRAM BUDGET (FY08)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund's Annual Revenues and/or available funds for the payment of debt service, the undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY08, or to take any other action relative thereto. (Simple Majority Vote Required)

PROPOSED FISCAL YEAR 2008 COMMUNITY PRESERVATION BUDGET

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from fiscal year 2008 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2008 community preservation purposes with each item considered a separate appropriation:

Project 1: Sea Call Farm Restoration

Applicant: Sea Call Supporters, Inc.

Amount: Asking \$17,095 Voted \$17,095

Summary: The Farm is a historically significant structure in Orleans. Application is being made to obtain a listing on the National Register of Historic Places. Work began in August 2005 to stabilize and restore the farmhouse following the completion of the de-leading. Funds from the October 2006 CPA grant were used for interior and exterior work. During the work, closer observation brought to light the need for additional repairs to complete the restoration. These final repairs need to be done to finish the project to restore the farmhouse to a sound condition.

Project 2: Odd Fellows Hall Conservation Restriction

Applicant: Community Preservation Committee

Amount: Asking \$50,000 Voted \$50,000

Summary: The Hall is a historically significant structure in Orleans. Use of the building dates back for 110 years when it served as the Town's schoolhouse. Funds from an October CPA grant will be used to replace the unstable old fieldstone foundation with poured concrete and to complete all associated structural repairs. These additional funds will be used to purchase a conservation restriction on 1.84 acres of the property. The Odd Fellows will apply the funds to building restoration projects which will further the preservation of the historic structure.

Project 3: Skateboard Park Creation

Applicant: Nauset Together We Can Prevention Council

Amount: Asking \$65,936 Voted \$65,936

Summary: The Finch Skateboard Park on Eldredge Parkway has served hundreds of skaters since its inception as a recreational activity in 1997. The Park was constructed with private funds on its current site in 1999 with wooden ramps. These ramps have deteriorated to the point where they are a safety hazard and all structures need to be removed. These funds will be used to create a new facility by purchasing and installing modular concrete ramps that will better withstand the elements of the weather and remain usable for many years. This grant is subject to the Town procuring long-term access to the land through lease or in fee from the Nauset Regional School District and to agreement on a policy of access to the Park by the general public.

Project 4: Meeting House Needs Assessment & Master Plan

Applicant: Orleans Historical Society

Amount: Asking \$25,000 Voted \$25,000

Summary: The Meeting House Museum is the center of the historic preservation activities of the Orleans Historical Society. Funds from an October 2006 CPA grant were used to replace a badly damaged roof. The re-roofing was the initial step in a restoration program for the Meeting House that is intended to restore the building to its original appearance and to allow for future uses. These funds will be used to assess the condition of this historic building and to identify and prioritize needed restoration projects. Funds will also be used to develop a plan for the Museum on its present site in the context of the re-energized Town Hall area.

Project 5: Meeting House Museum Artifacts & Books Preservation

Applicant: Orleans Historical Society

Amount: Asking \$6,086 Voted \$6,086

Summary: The OHS Meeting House Museum contains artifacts and books of considerable historic significance to the Town. Many of these require repair along with adequate display cases and UV light protection materials to preserve these items. Funds will be used to assure that these historic items will continue to be enjoyed by town residents and visitors.

Project 6: Academy of Performing Arts Heating System Restoration

Applicant: Academy of Performing Arts, Inc.

Amount: Asking \$89,000 Voted \$44,500 which will serve as a match for the other required \$44,500 to be first raised through Academy fundraising efforts

Summary: The first phase of the Playhouse restoration was funded with CPA funds in May 2006 and called for installation of a sprinkler system. Phase II was funded with CPA funds in October 2006 and calls for excavating the basement and constructing a new foundation. This Phase II project will serve to stabilize and reinforce the structure of a building that dates back to 1873 when completed. Funds from this third Academy application will be used to install a modern heating system that will replace the old steam system. This new hot water system will serve the theatre via heat exchangers in the attic and will be zoned for maximum efficiency. The building has been certified an historic structure by the Orleans Historical Commission and has an historic preservation restriction negotiated by the CPC attached to its deed.

Project 7: Jonathan Young Windmill Restoration and Repair

Applicant: Town of Orleans

Amount: Asking \$18,100 Voted \$18,100

Summary: The Jonathan Young Windmill, a historic structure located on Town land and featured on the Orleans Town Seal, needs repair, preservation and restoration work. These funds will be used for the replacement or repair of cracked and rotten wood and the preservation and protection of structural material. Some of the improvements may also allow the structure to become a working windmill in the future. Specifically during this phase, the dragger pole will be replaced and the third floor will undergo preservation work.

Committee Expenses (Maximum Allowable \$49,000; CP Committee voted \$49,000)

The Community Preservation Act mandates that the CP Committee “study the needs, possibilities, and resources of the town regarding community preservation.” The Act also permits the Committee to allocate up to 5% of CPA funds for administrative and operating expenses. In FY08 the Committee anticipates using funds for legal consultation, financial analysis, recordkeeping, and various studies directed toward effectively realizing Orleans possibilities concerning open space, community housing, historic preservation, and

recreation. Any and all unused funds revert to the unallocated reserve for funding future projects.

Reserves-Community Housing (CP Committee voted \$230,000)

Funds are allocated to the Reserve to support future project applications that involve adding to the Town's inventory of Community Housing. Total reserves in excess of \$505,000 would be available to aid in financing significant projects, such as the proposed construction of an eight-unit rental apartment structure on the Route 6A property. Concerning the Route 6A project, various funding alternatives and construction costs remain under discussion while design work needs to be completed to initiate the bid process to determine actual costs. Additional CPA grant funds for the project will be evaluated at a later date.

Reserves-Unallocated (CP Committee voted \$24,283)

MOTION: To accept and adopt Article #4 as printed in the warrant and that the sum of Four Hundred Eighty Thousand and 00/100 Dollars (\$480,000.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

MOTION: Selectman Mark Carron moved that Article #4 be accepted and adopted as printed in the warrant, except that funding in the amount of Sixty-five Thousand Nine Hundred Thirty-six and 00/100 Dollars (\$65,936.00) for Project #3, Skateboard Park Creation, shall be deleted and replaced with the sum of Twenty-one Thousand Nine Hundred Seventy-nine and 00/100 Dollars (\$21,979.00), with said sum being contingent upon a joint funding match with other towns, and that the sum of Four Hundred Thirty-six Thousand Forty-three and 00/100 Dollars (\$436,043.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

MOTION: To allow Alana McGillis the power of speech before the Town Meeting.

ACTION: Voted, voice vote carries unanimously to grant the power of speech to Alana McGillis.

MOTION: To move the question.

ACTION: Voted, voice vote carries by the necessary 4/5 majority (one nay vote).

ACTION: Voted, voice vote on the amendment fails to pass by the necessary majority.

ACTION: Voted, voice vote on the main motion carries unanimously.

ARTICLE 5. FUND TOWN-WIDE WASTEWATER MANAGEMENT PLAN (FY08)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Twenty-Five Thousand and 00/100 (\$125,000.00) Dollars, or any other sum, for the purpose of funding the study of the current wastewater disposal practices to adequately protect the town's fresh water (public drinking water) and salt water resources, including all expenses incidental and related thereto and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #5 as printed in the warrant and that the sum of One Hundred Twenty-five Thousand and 00/100 Dollars (\$125,000.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

POINT OF ORDER

MOTION: Kendall Farrar: Pursuant to Orleans Town Meeting By-laws, specifically by-law number eleven, Changing Order of Articles, I move that Article #37 be moved to be considered after Article #9 and before Article #10.

ACTION: Standing vote, YES = 199, NO = 80, motion carries by the necessary 2/3 majority.

ARTICLE 6. FUND WASTEWATER MANAGEMENT PLAN PRE-DESIGN ENGINEERING FEASIBILITY STUDY

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) for the purpose of funding a feasibility study for pre-design engineering relative to the implementation of the comprehensive wastewater management plan (CWMP), provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Law Chapter 59 §21C (Proposition 2 ½) paragraphs (g) and (m), and authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to

offset the total appropriation authorized herein, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #6 as printed in the warrant and that the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) be appropriated for this purpose and for costs incidental and related thereto, provided however that this vote shall be considered a contingent appropriation and is being approved contingent upon the passage of a Proposition 2 ½ general override ballot question, under the provisions of Massachusetts General Law Chapter 59, Section 21C, paragraphs (g) and (m).

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 7. FUND AERIAL LADDER TRUCK

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum for the purpose of purchasing an aerial ladder truck for the Fire Department, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town, the proceeds from any such disposition to be applied toward the cost of acquiring said ladder truck, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To accept and adopt Article #7 as printed in the warrant and that the sum of Six Hundred Thirty-seven Thousand Six Hundred and 00/100 Dollars (\$637,600.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Six Hundred Thirty-seven Thousand Six Hundred and 00/100 Dollars (\$637,600.00), pursuant to Massachusetts General Laws Chapter 44, Section 7, Clause (9), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Standing vote, YES = 233, NO = 30, motion carries by the necessary 3/4 majority.

ARTICLE 8. FUND ROCK HARBOR BULKHEAD REPLACEMENT DESIGN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Fifty Thousand and 00/100 Dollars (\$50,000), or any other sum, for the purpose of preparing design plans for replacement of the bulkhead at Rock Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3/ Vote Required)

MOTION: To accept and adopt Article #8 as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), pursuant to Massachusetts General Laws Chapter 44, section 7 clauses (9), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 9. FUND POLICE STATION RENOVATION / ADDITION
FEASIBILITY STUDY**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Forty Thousand and 00/100 Dollars (\$40,000.00), or any other sum, for the purpose of funding a feasibility study for renovation of and/or addition to the existing Police Station and authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which

shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To accept and adopt Article #9 as printed in the warrant and that the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) be raised and appropriated for this purpose.

ACTION: Standing vote, YES = 263, NO = 2, motion carries by the necessary 3/4 majority.

ARTICLE 37. SOLAR ENERGY FOR TOWN HALL – BY PETITION

To see if the Town will appropriate \$50,000 for the installation of a solar energy system on Orleans Town Hall. (By Petition) (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 37 as printed in the warrant, and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from available funds for this purpose, by petitioner John Nichols.

MOTION: By Dr. McKusick, to move the question.

ACTION: Voted, voice vote carries by the necessary 4/5 majority to call the question.

ACTION: Voted, voice vote fails to pass the main motion by the necessary majority.

ARTICLE 10. ACCEPT TRANSPORTATION BOND BILL FUNDS

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allocated or to be allocated from year to year by the Commonwealth of Massachusetts and/or Barnstable County for the construction, reconstruction and improvements of roads and bikeways within the Town of Orleans, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 10 and that said funds and their earned interest shall be expended to repair and resurface certain Town roads under the direction of the Board of Selectmen.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 11. HOLDING STATE HARMLESS FOR WORK

To see if the Town will vote to assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws, as most recently amended by Chapter 5 of the Acts of 1955, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Management for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tide-waters, foreshores and shores along a public beach, in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 11 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 12. AUTHORIZATION TO SELL SURPLUS EQUIPMENT & ACCEPT GIFTS

To see if the Town will vote to authorize the Town Administrator to dispose of surplus supplies and equipment under such terms and conditions as the Town Administrator deems advisable, provided all proceeds from any such disposition are returned to the General Fund, and to accept any gift items that may be given to the Town on behalf of the citizens of Orleans, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 12 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 13. ADOPT M.G.L. CHAPTER 44, SECTION 53E ½ - REVOLVING ACCOUNTS

To see if the Town will vote to authorize the establishment of the following Revolving Accounts, in accordance with Massachusetts General Law Chapter 44, § 53E ½;

- 1) The Home Composting Bin/Recycling Containers Account, said account not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00). The Account will be used to purchase additional composting bins and recycling

containers. Said funds to be spent under the direction of the department manager and the Town Administrator.

- 2) The Council on Aging Account, said account not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00). Monies on hand in the Account will be used to fund programs, class instructor fees, fees for reservations and tickets related to trips and functions, and an annual volunteer appreciation function. All funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the Town owned properties under the jurisdiction and control of the Conservation Commission. Said funds to be spent under the direction of the Conservation Commission and the Town Administrator.
- 4) The Gavigan Property Account, said account not to exceed Eighteen Thousand and 00/100 Dollars (\$18,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the property located on Wildflower Lane. Said funds to be spent under the direction of the department manager and the Town Administrator.

The Cultural Council Awards Account, said account not to exceed Two Thousand and 00/100 Dollars (\$2,000.00). The Account will be used for awarding of cash prizes for participants and reception expenses for special art gallery showings. Said funds to be spent under the direction of the Cultural Council and the Town Administrator. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 13 as printed in the warrant and that the Revolving Accounts as set forth in the article be established in accordance with Massachusetts General Law Chapter 44, Section 53E ½.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 14. ADOPT M.G.L. CH. 71, § 16B – ASSESSMENT FORMULA – NAUSET REGIONAL SCHOOLS

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 71, § 16B, which would reallocate the sum of the member towns' contribution to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 14 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 15. FUND NON-UNION EMPLOYEE COLA (FY08)
(PERSONNEL BYLAW PLANS A, B, D & E & CONTRACT
EMPLOYEES)**

To see if the Town will vote to approve a general cost of living wage increase for the period July 1, 2007 to June 30, 2008 for those employees who are covered by the Personnel Bylaw Compensation Plans A, B, D and E and the Town Administrator, Director of Municipal Finance, and Police Chief, and to raise and appropriate and/or transfer the sum of Forty-Seven Thousand Four Hundred Forty and 00/100 Dollars (\$47,440.00), or any other sum, to fund such increase, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 15 as printed in the warrant and that the sum of Forty-Eight Thousand Four Hundred Seventy and 00/100 Dollars (\$48,470.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 16. FUND ELECTED OFFICIALS COMPENSATION (FY08)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2007 as follows:

- | | |
|---------------------------|-----------------|
| 1) Board of Selectmen (5) | \$1,000.00 each |
| 2 Moderator (1) | \$ 150.00 |
| 3) Constables (2) | \$ 100.00 each |

and to raise and appropriate and/or transfer from available funds the sum of Five Thousand Three Hundred Fifty and 00/100 Dollars (\$5,350.00), or any other sum, for this purpose, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 16 as printed in the warrant and that the sum of Five Thousand Three Hundred Fifty and 00/100 Dollars (\$5,350.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 17. FUND ORLEANS PERMANENT FIREFIGHTERS ASSOCIATION
CONTRACT (FY08)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY08 Salaries Accounts for the Fire Department budget for employees covered under the

collective bargaining agreement between the Town and the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To indefinitely postpone Article # 17.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 18. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE / ORLEANS IMPROVEMENT ASSOCIATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty-Four Thousand Seven Hundred Fifty and 00/100 Dollars (\$24,750.00), or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Board of Selectmen for the purposes of managing summer visitors, making the Town more user-friendly and improving the visual image of the Town, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 18 as printed in the warrant and that the sum of Twenty-Four Thousand Seven Hundred Fifty and 00/100 Dollars (\$24,750.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 19. FUND HUMAN SERVICES AGENCIES AGREEMENTS (FY08)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixty-Nine Thousand Seven Hundred Ninety-One and 00/100 Dollars (\$69,791.00), or any other sum, to fund the following human services organizations for the period July 1, 2007 to June 30, 2008.

GROUP NAME	AMOUNT
AIDS Support Group of Cape Cod	2,000
Big Brothers/Big Sisters of Cape Cod	5,000
Cape Cod Child Development	2,500
Cape Cod Human Services	5,000
capeAbilities	5,827
Consumer Assistance Council	120
Elder Services of Cape Cod and the Islands	2,500
Gosnold, Inc.	7,500
Independence House, Inc.	4,500
Interfaith Council for the Homeless	3,524

Legal Services	3,020
Lower Cape Outreach Council	6,180
NAMI	500
Nauset Together We Can/Juice Bar	5,000
Orleans After School Activities Program	10,500
Outer Cape Health Services	5,320
Sight Loss Services, Inc.	800
TOTAL	\$69,791

(Simple Majority Vote Required)

MOTION: To accept and adopt Article # 19 as printed in the warrant and that the sum of Sixty-Nine Thousand Seven Hundred Ninety-One and 00/100 (\$69,791.00) Dollars be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 20. FUND JULY 4 CELEBRATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), or any other sum, for the purpose of funding a July 4th Celebration within the Town of Orleans. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 20 and the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 21. FUND NAUSET BEACH DUNE RESTORATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Forty Five Thousand and 00/100 Dollars (\$145,000.00), for the purpose of funding dune restoration north of the parking lot at Nauset Beach, including all expenses incidental and related thereto, provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Law Chapter 59 §21C (Proposition 2 ½) paragraphs (g) and (m), or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To indefinitely postpone Article # 21.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 22. AMEND THE ZONING BYLAWS SECTION 164-32, Dwellings
In Commercial Structures**

To see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-32 to read as follows:

§ 164-32. Dwellings in commercial structures or accessory to commercial uses.

Dwellings in commercial structures or accessory to commercial uses may be permitted where allowed under § 164-13, subject to the following conditions:

1. General Requirements

- a. A site plan shall be submitted and reviewed as provided in § 164-33.
- b. Architectural Review Committee approval is required, as provided in § 164-33.1
- c. Prior to occupancy of any dwelling unit in a commercial structure, screening as described in § 164-34D(1) and as required under Site Plan approval must be installed along side and rear lot lines, except in the Village Center District.

2. Village Center District

Up to three (3) units may be permitted on a lot either within the commercial structure or in a separate structure located on the same lot¹. The following criteria must be met:

- a. In mixed use buildings, first floor units fronting on streets shall be reserved for commercial uses.
- b. Any building used exclusively for residential purposes must be located behind other buildings that have frontage on the street. In no case shall any building used exclusively for residential purposes front the street.
- c. In the event of a corner lot the Site Plan Review Committee shall determine which street frontage will be the primary street frontage.
- d. At least 30% of the floor area on the parcel shall be used for commercial purposes.
- e. One (1) off-street parking space will be required for each dwelling unit. When units with two (2) or more bedrooms are proposed parking must be provided that meets the requirements of § 164-34 or an affidavit must be supplied to the building commissioner

indicating the provision, through a shared parking agreement or other means, of the off-street parking spaces.

3. Other Business Districts

No more than two (2) dwelling units may be allowed on a lot within a structure used for commerce through new construction, addition, or conversion. The following criteria must be met:

- a. The principal use of the structure must be devoted to the commercial use.
- b. Lot area shall equal at least two thousand two hundred (2,200) square feet for each dwelling unit in addition to the area required for the commercial use.
- c. Off-street parking shall be provided for the dwelling units as per requirements of this chapter.
- d. For each dwelling unit having in excess of one (1) bedroom, unpaved open space of at least four hundred fifty (450) square feet shall be provided.

¹ Up to four (4) units may be allowed, see Section 164-19.1. E.

Or to take any other action relative thereto. (2/3 vote required)

MOTION: To accept and adopt Article # 22 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

I am Sims McGrath, Chairman of the Planning Board. As a previous speaker has stated, Orleans now has an updated comprehensive plan to guide Orleans in the future. The Planning Board takes its responsibility as keeper of the plan seriously, and we will continue to bring to the Town issues that need to be addressed in order to preserve the positive qualities of the town for the future.

This year, the Town Meeting Warrant includes 5 proposed zoning amendments. Three of the proposals come directly from the recommendations of the comprehensive plan, and two are minor changes to improve the function of the bylaw. In developing the proposals, the Planning Board held 3 public hearings, and we heard many valuable comments that were incorporated into the proposals.

For each article, I will tell you the issue that was encountered in the bylaw, and how the proposed Zoning amendment provides a solution.

Now on to the article.

Article 22 is the first of two articles tonight that are aimed at providing housing opportunities in the Village Center District. For those not familiar with our Zoning Map the Village Center District is shown on the map here.

The article proposes to amend the section that regulates Dwellings in Commercial Structures. This would include any mixed-use building in the Village Center District that contains or may contain both business and residential uses.

Philosophically, the Comprehensive Plan contains a recommendation to encourage a stronger residential component in the Village Center. Practically, we recognize a need for workforce housing in the community. We hope that this article will help to address the issue.

The Planning Board held public hearings on January 23 and February 13. 48 people were present at one or both. The board voted 5-0-0 to recommend your approval of this article.

To explain the technicalities, I would ask the Moderator to recognize the Planning Director to use a couple of brief slides that should help explain the issue and how we've proposed to solve it.

Respectfully Submitted, Sims McGrath, Jr., Chairman

ACTION: Voted, voice vote carries by the necessary 2/3 majority.

ARTICLE 23. AMEND THE ZONING BYLAWS SECTION 164-19.1, Village Center District VC

To see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-19.1 to add a new subsection E. to read as follows:

§ 164-19.1. Village Center District VC.

Within the Village Center District, the following use and dimensional limitations shall apply, regardless of the provisions of § 164-13, Schedule of Use Regulations:

E. Third Floor Housing. The purpose of this subsection is to allow increased building height in the Village Center District for the development of accessory dwelling units within commercial buildings. Up to four (4) dwelling units shall be allowed on lots when a portion of the units are located on the third floor of a commercial building. The following shall apply:

1. The vertical distance from the average undisturbed natural grade at the foundation on the street side of the building to the mean height between the bottom of the eave and the highest point of each ridge on a pitched roof shall not exceed 30 feet. In no instance shall the height to the top of the ridge exceed 42 feet.
2. Roof pitch. In accordance with this subsection, the roof must have a pitch greater than or equal to 8/12 (rise of eight for every twelve inch run). Flat

- roofs are prohibited under this section. No utility equipment may be placed on the roof other than that for solar collection.
3. Finished space on the third floor of the structure shall be used for residential purposes and in no case shall it be used for commercial purposes other than storage of goods.
 4. Gabled and eyebrow dormers are permitted but the face of the dormer shall be set back at least 2 feet from the eave.
 5. A site plan shall be submitted and reviewed as provided in § 164-33.
 6. Architectural Review Committee approval is required, as provided in § 164-33.1
 7. Where detached residential dwellings exist or are proposed on a lot, this third floor housing provision shall not be applicable for further development, unless authorized by the Zoning Board of Appeals through the issuance of a Special Permit.

And furthermore – to see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-21, Schedule of Lot, Yard and Bulk Requirements, to add a footnote under the Maximum Building Height column in the VC row to read:

¹ - See Section 164-19.1 E for alternative building height in the Village Center.

And furthermore - to see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-4, Definitions, to include the following new language (new language is underlined):

Building Height: The vertical distance from the average undisturbed existing natural grade at the foundation on the street side of the building to the top of the ridge. Except as otherwise provided in Section 164-40-2-B, the only portions of a structure permitted above the ridge line shall be chimneys, air conditioning equipment, skylights, ventilators and antennae and other like features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy and which in no event shall exceed 5 feet above the ridge line. **See Section 164-19.1 E for third floor housing allowance in the Village Center District.**

Or to take any other action relative thereto. (2/3 vote required)

MOTION: To accept and adopt Article # 23 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

This article also proposes a change in the allowance of apartments in the Village Center District.

The Planning Board held public hearings on January 23 and February 13. 48 people were present at one or both of the hearings. The board voted 5-0-0 to recommend your approval of this article.

THE ISSUE is the same as the previous proposal: There is a need for workforce housing, but there are not a sufficient number being constructed under existing regulations.

This proposal will allow increased building height for 3rd floor apartments in commercial buildings, in the Village Center District only. This is a thoughtful step for Orleans, and I want to take a few minutes to give you some background.

Orleans, as many of you know, has a history of 3 and even 4 story buildings that were once the heart of the Village Center District.

The community has had 2 visioning forums on the Village Center in the last couple years. At the forums some key concepts were shown and discussed, including things like good streetscape, improving the business mix, and allowing taller buildings in order to facilitate a residential component. A sign of a healthy village center is a positive mix of businesses and residential apts.

The concepts were well received, and were further supported by a town-wide resident survey that also indicated interest in more upper floor housing.

Again, I would ask the Moderator to recognize the Director of Planning to use a few slides to explain what is being proposed.

Respectfully Submitted, Sims McGrath, Jr., Chairman

ACTION: Voted, voice vote carries by the necessary 2/3 majority.

ARTICLE 24. AMEND THE ZONING BYLAWS SECTION 164-3, Applicability

To see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-3 to remove 164-3.C.1.iv (*strikethrough language appears below to show the proposed deletion*).

§ 164-3. Applicability.

A. Noninterference. This chapter shall not interfere with or annul any other town bylaw, rule, regulation or permit, provided that, unless specifically excepted or where a conflict exists within the chapter itself, where this chapter is more stringent, it shall control.

B. Conformance. Construction or operations under a building or Special Permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of six (6) months after the

issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

C. Nonconforming Structures and Uses. Legally preexisting, nonconforming structures or uses may be continued, in accordance with G.L. c. 40A, §6, subject to the following:

1. Alteration, Reconstruction (which shall include raze and replacement), Extension or Structural Change (collectively "alteration") to Nonconforming Single or Two Family Residential Structures. Nonconforming single or two family residential structures may be altered, reconstructed, extended or structurally changed provided that such alteration does not increase the nonconforming nature of such structure.

(a) In the following circumstances alteration to a nonconforming single or two family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be allowed as of right:

- i. Alteration to a structure which complies with all current setbacks, yard, lot coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.
- ii. Alteration to a structure which complies with all current setbacks, yard, lot coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.
- iii. Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, lot coverage and building height requirements; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.
- ~~iv. Alteration to a structure which will not increase the footprint of the existing structure provided that existing height requirements shall not be exceeded.~~

(b) Except as otherwise set forth in (c) below, alteration to a nonconforming single or two family residential structure that increases the nonconforming nature of the structure may be allowed on Special Permit from the Board of Appeals provided the Board of Appeals finds that such alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

(c) Alteration to a nonconforming single or two family residential structure in such a manner as to:

- i. create a new dimensional nonconformity, or

- ii. intensify an existing nonconformity by extending further into a required setback area, or
- iii. increase the height of the structure greater than the allowed height,

shall require the issuance of a variance by the Board of Appeals and the Special Permit finding required under subsection (b). Provided, however, the extension of an exterior wall or surface of an existing structure at or along the same nonconforming distance within a required setback area shall not require the issuance of a variance.

2. Alteration, Reconstruction, Extension or Structural Change (collectively "alteration") to Nonconforming Structures Other than Single and Two Family Structures. Other nonconforming structures or uses may be altered, reconstructed, extended or structurally changed on Special Permit from the Board of Appeals if the Board of Appeals finds that such alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use. The alteration of a nonconforming structure in such manner as to create a new dimensional nonconformity or to intensify an existing dimensional nonconformity, shall require the Special Permit finding and the issuance of a variance by the Board of Appeals.
3. Restoration. A nonconforming structure or use may be reconstructed or reinstated if destroyed by fire or other casualty if reconstructed or reinstated within a period of two (2) years from the date of the catastrophe, or else such reconstruction must comply with this chapter.
4. Abandonment. A nonconforming use or structure which has been abandoned or otherwise discontinued for a period of two years (2) years shall not be reestablished, and any future use of the premises shall conform to this chapter.
5. Reversion. Once changed to be conforming, no structure or use shall be permitted to revert to a nonconforming structure or use.

Or to take any other action relative thereto. (2/3 vote required)

MOTION: To accept and adopt Article # 24 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

The Planning Board held public hearings on January 23 and February 13. 48 people were present at one or both of the hearings. The board voted unanimously to forward this article to the Town Meeting and recommend its approval.

Last May, Town Meeting approved a comprehensive rewriting of the section that regulates changes to nonconforming uses and structures. The old language was overly broad and the amendment has been a substantially improvement.

However, one subsection was written to allow the intensification of nonconforming structures without the requirement of obtaining a Special Permit from the Zoning Board of Appeals. The intensification of a nonconforming structure is when a structure fails to meet the Town's dimensional requirements and is proposed to be expanded or enlarged.

A common example is a home that is too close to the lot lines, as shown on the slide. If the owner wishes to put a 2nd floor on the structure that will also be too close to the lot lines, the new construction will *intensify* the nonconformity.

The Zoning Board considered this change in the fall and asked the Planning Board to revisit it. Upon reflection, the Planning Board agreed and the proposed amendment would remove the section in question, thus requiring projects which intensify the nonconforming portion of structures to go through the Special Permit process. A fully conforming extension would still be allowed by right.

We think this change is in the best interests of the community and its residents. This essentially returns to the process that was required prior to the change last year. The Planning Board encourages your approval of the article.

Respectfully Submitted, Sims McGrath, Jr., Chairman

ACTION: Voted, voice vote carries unanimously.

ARTICLE 25. AMEND THE ZONING BYLAWS SECTION 164-22, Modifications

To see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-22 to amend the following subsection:

164-22.D Projections. The projection of steps eaves, chimneys, **cornices, bay windows,** and other building elements into any required yard shall be allowed to the degree that the State Building Code allows them. **In no event shall the projection of steps and stoops exceed 30 square feet in area nor shall it be covered by a structure.**

And furthermore to amend 164-4 Definitions

YARD -- An area open to the sky, located between a structure or other property line and any principal structure or element thereof. ~~other than p~~ Projections allowed to encroach on building lines and yards **shall only be allowed under 164-22.D.** ~~under the State Building Code. Depth is to be measured perpendicular to the street or property line.~~

Or to take any other action relative thereto. (2/3 vote required)

MOTION: To accept and adopt Article # 25 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

The Planning Board held public hearings on January 23 and February 13. 48 people were present at one or both of the hearings. The board voted unanimously to forward this article to the Town Meeting and recommend its approval.

This article addresses a conflict between the Zoning Bylaw and the State Building Code concerning the encroachment of minor building components such as steps, chimneys, and eaves into required yard setback areas. Such minor projections have been traditionally permitted in the Town, by reference to the State Building Code. The new State Building Code does not address the issue, so a change to the local bylaw is appropriate.

This article would clarify the language so that minor projections would continue to be allowed. To minimize impacts, steps and stoops provided for means of egress are limited to 30 square feet in area.

Respectfully Submitted, Sims McGrath, Jr., Chairman

ACTION: Voted, voice vote carries unanimously.

ARTICLE 26. AMEND THE ZONING BYLAWS SECTION 164-31, Apartment Development

To see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-31 B. to read as follows: (proposed new text is underlined)

B. Lot Area. Minimum lot area shall equal sixty thousand (60,000) square feet contiguous buildable upland area. Seven Thousand (7,000) square feet of contiguous buildable upland area shall be provided per dwelling unit, except that in the Rural Business District fourteen thousand (14,000) square feet of contiguous buildable upland area shall be provided per dwelling unit. Alternatively, in each structure in which the floor area devoted to dwellings is less than that devoted to business, minimum lot area shall equal three thousand five hundred (3,500) square feet contiguous buildable upland area per dwelling unit, plus the area covered by the building, plus the area required for parking servicing the business use.

Or to take any other action relative thereto. (2/3 vote required)

MOTION: To accept and adopt Article # 26 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

This last zoning article concerns apartment development in the Rural Business Districts. There is some history here, and I would like to ask your indulgence for an extra minute or two while I detail the considerations that went into this article.

Let me call your attention briefly to the Town Zoning Map on the screen.

The 2 areas seen here in green are the rural business districts of the town. There is one in East Orleans located basically at the intersection of Beach Road and Barley Neck Road. There is another RB District in South Orleans located near the intersection of Routes 39 and 28.

These Districts were originally zoned Limited Business and General Business. In 1976 the Planning Board established them as "RURAL" Business Districts that were intended to provide opportunities for neighborhood scale goods and services.

A zoning district is defined by the uses that are allowed within it. The RB districts in Orleans allow small business establishments that serve the needs of the immediate area. They are places to get a gallon of milk, a sandwich at lunch, or maybe a haircut. Business retail space is limited to 1,500 s.f.. The number of businesses is not limited, only the size of each individual business to maintain the rural charm of these areas. This is the purpose for which the Rural Business District was created.

Multifamily development is currently allowed by Special Permit in all of the Business Districts. Presently apartments can be constructed at the same level of density in the Rural Business District as they can in all other business districts, 6 units per acre. What we are learning is that this same level of density, while appropriate in some business districts may no longer be appropriate for the Rural Business Districts.

Over the last year, the Planning Dept. has fielded a number of comments and concerns about the density, scale, and change of character in the Rural Business District in East Orleans as it has undergone some re-development and recent investment.

At the heart of the concern was the outright loss of the Rural Business District parcels to solely residential use. This type of outright conversion is not consistent with the goals of the Comprehensive Plan.

Initially the Planning Board held public hearings on January 23 and February 13 to discuss prohibiting further apartment development in these business districts. 48 people attended one or both of the hearings. Many residents supported this prohibition, and the board received a petition supporting this as well. Other residents urged the board to take a different approach and not totally remove the allowance for multifamily development in the Rural Business Districts.

The Planning Board held a subsequent public hearing on the article which appears in your Warrant. The proposed change would lower the density that apartments can be built to in the district. At the second public hearing, held March 13 and attended by 26 people, the board received many positive comments, along with another petition to make no changes in the allowable density in the district.

After the public hearings and upon reflection, the Planning Board voted unanimously to forward the article to the Town Meeting and recommend its approval. What is before you tonight is a compromise that addresses density concerns while still allowing for an appropriate level of apartment development in the future.

This amendment will allow multifamily development but at a lower density. Business opportunities on the parcels would be preserved and mixed use developments would be encouraged. This balanced approach will bring any future project more in scale with the rural intent of the area.

Existing apartment projects are not impacted as they operate under the terms of the Special Permits.

The Planning Board has crafted this article so that it will not affect workforce housing. If approved, the article will not change the ability to have an apartment accessory to a commercial use. In other words, the change will continue to allow apartment over stores.

We feel the proposal will help protect the character of the RB district and reserve space for the types of small businesses that are intended and encourage in the districts.

Respectfully Submitted, Sims McGrath, Jr., Chairman

ACTION: Voted, voice vote carries by the necessary 2/3 majority.

ARTICLE 27. TRANSFER WATER SERVICE CONNECTION

To see if the Town will vote to transfer the sum of Forty Thousand and 00/100 Dollars (\$40,000.00), or any other sum, from the Water Service Connection Funds Reserved for Appropriation Account to the Water Service Connection Account, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #27 as printed in the warrant and the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) be transferred from the Water Reserve for Appropriations Account to the Water Service Expense Account for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 28. ACCEPT COLLINS LANE LAYOUT AS A PUBLIC WAY

To see if the Town will vote to accept the doings and report of the Selectmen filed with the Town Clerk on March 22, 2007, relative to the layout of Collins Lane as a town road, and instruct the Selectmen to accept as a gift or to purchase or take by eminent domain on behalf of the Town of Orleans the land and/or any interest in the land within the sidelines of said layout for this purpose, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article # 28 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 29. AUTHORIZE LEASE OF NAUSET BEACH CONCESSION STAND

To see if the Town will vote to authorize the Board of Selectmen to lease on such terms as they deem appropriate, the Nauset Beach Concession stand for a period not to exceed five (5) years, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 29 as printed in the warrant and the Board of Selectmen be authorized to lease the Nauset Beach Concession Stand for a period not exceeding five (5) years on such additional terms and conditions as they deem appropriate.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 30. CHANGE OF USE FOR FORMER COMPOSTING BUILDING AT TRI-TOWN SEPTAGE TREATMENT FACILITY

To see if the Town will vote to transfer care, custody and control of the Town land together with buildings located thereon, formerly used as the composting building at the Tri-Town Septage Treatment Facility, from the Board of Selectmen for the purpose of a municipal septage treatment plant and recreational facilities to the Board of Selectmen for a municipal septage treatment facility and Highway Department purposes, or take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article # 30 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

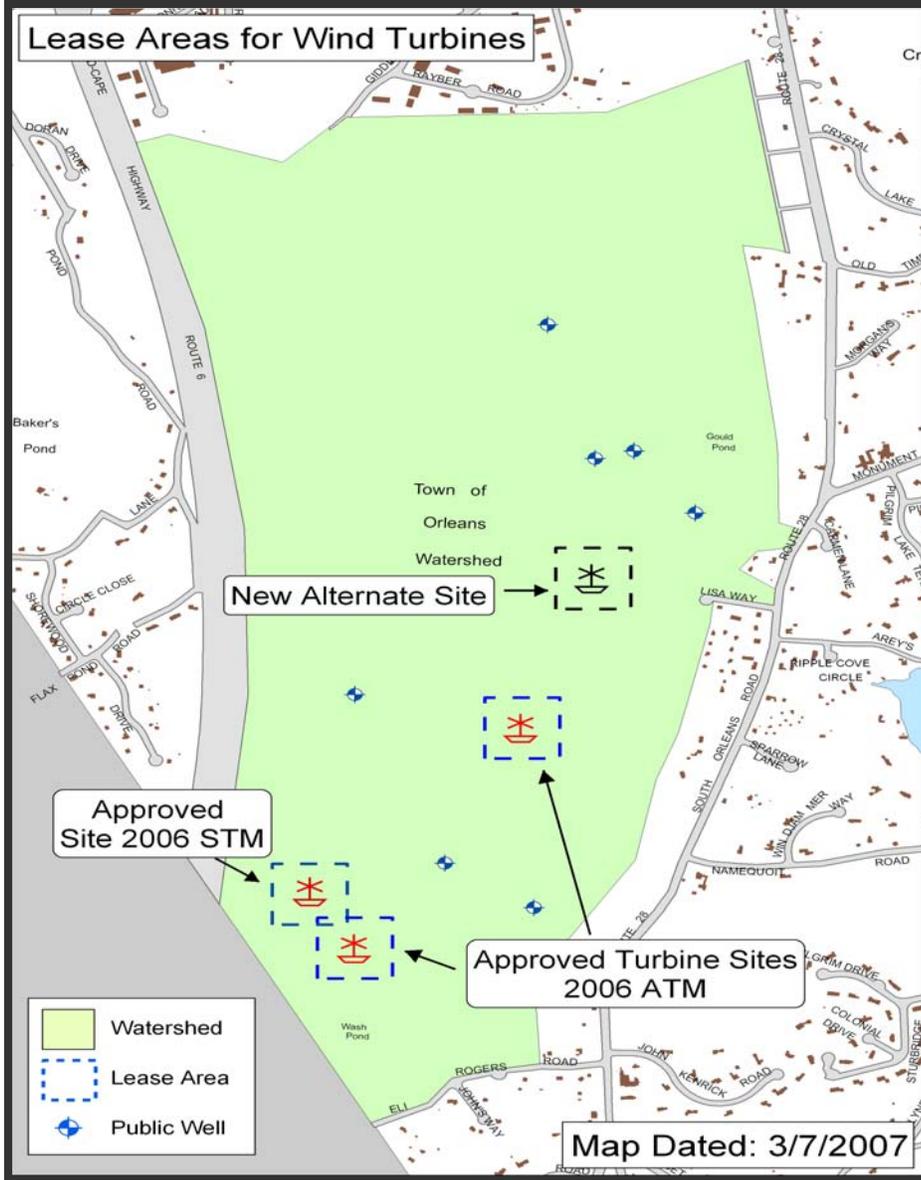
ARTICLE 31. MODIFY WIND TURBINE LEASE LOCATION IN WATERSHED

To see if the Town will vote to further amend the action taken under Article 28 of the 2005 Annual Town Meeting which authorized the location(s) for the installation of two wind turbines in the Town Watershed, which action was previously amended under Article 29 of the 2006 Annual Town Meeting to authorize an alternative location, by further authorizing an alternative location as shown on a sketch plan entitled "Revised Lease Area for Wind Turbines", dated March 16, 2006, on file with the Town Clerk, provided however that not more than two wind turbines are located in the Watershed, and to ratify and confirm in all other respects the vote taken under Article 28 of the 2005 Annual Town Meeting, including without limitation petitioning the state legislature for special legislation exempting the lease so authorized from the provisions of M.G.L. Ch. 30B and Article 97 of the Amendments to the Massachusetts Constitution if required, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 31 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

Lease Areas for Wind Turbines



**ARTICLE 32. AUTHORIZE INTERMUNICIPAL AGREEMENT
NAUSET BEACH MANAGEMENT AGREEMENT**

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen, acting as the Park Commissioners, to enter into an Intermunicipal Agreement with the Town of Chatham. The Agreement sets forth the terms and conditions for the joint management of Nauset Beach (South of the Nauset Beach parking Lot) for the period May 1, 2007 through April 30, 2012. A copy of said Agreement is on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt and that the Board of Selectmen be authorized to enter into the Nauset Beach Management Agreement in the form on file with the Town Clerk, except that under Section VII of the proposed Agreement, setting forth Revenue Distribution percentages for each Town, be amended by including the following language:

“Provided, however, that the Boards of Selectmen of each Town shall have the right, during the term hereof, by mutual agreement, to modify the Revenue Distribution percentages set forth herein, to reflect physical changes in Nauset Beach as those changes occur. Provided, further, that no such modification of the Revenue Distribution percentages which results in Orleans receiving less than 85% of the total out of town sticker fees shall be effective unless approved by vote of the Orleans Town Meeting.”

ACTION: Voted, voice vote carries unanimously.

ARTICLE 33. ADOPT M.G.L. Ch. 32B §18 – RETIREE MEDICARE OPTION

To see if the Town will vote to accept the provisions of MG.L. Chapter 32B §18, an act which would require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to transfer to a medicare extension plan offered by the town. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 33 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 34. ACQUIRE LAND OWNED BY SPARROW FAMILY –
58 NAMEQUOIT ROAD**

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for conservation, open space, and passive recreation, all or a portion of the land located at 58 Namequoit Road, South Orleans, MA consisting of approximately 6.45 acres, shown on the Orleans Assessor's Map 69 as Parcel 34; and being also shown as Lot 5 on plan recorded in the Barnstable Registry of Deeds in Plan Book 535 Page 43; and to raise and appropriate or transfer from available funds, or borrow a sum of money for such acquisition, provided, however, that no funds, shall be borrowed hereunder unless the Town shall have voted at an election to exempt the amounts required to pay for the bond from the limitations of Proposition 2 ½ so-called, if required; and, such land shall be under the control and management of the Conservation Commission and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursement from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, including the grant of a conservation restriction, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article # 34 as printed in the warrant and that the sum of One Million Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$1,275,000.00) be appropriated for this purpose and for all costs incidental and related thereto, and to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Two Hundred Thirty-Five Thousand and 00/100 Dollars (\$235,000.00), pursuant to Massachusetts General Laws Chapter 44, section 7, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by this vote; and further that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) be transferred from the Community Preservation Fund; and further that the sum of Five Hundred Forty Thousand and 00/100 Dollars (\$540,000.00) be transferred from funds to be received from Barnstable County for this purpose; and further that the Board of Selectmen and the Conservation Commission be authorized to take all actions necessary to carry out the acquisition of the land in accordance with the provisions of the article and this vote.

ACTION: Voted, voice vote carries by the necessary 2/3 majority.

ARTICLE 35. FUND “IN FROM THE STREETS” PROGRAM – BY PETITION

To see if the Town will vote to raise and appropriate and/or transfer from available funds, the sum of Two Thousand and 00/100 Dollars (\$2,000.00) to fund the “In From the Streets” program sponsored by the Cape Cod Council of Churches, HAC, and Duffy health Care in Fiscal Year 2007. (Simple Majority Vote Required)

MOTION: By petitioner Winifred Fitzgerald, To accept and adopt Article #35 as printed in the warrant, and that the sum of Two Thousand and 00/100 Dollars (\$2,000.00) be transferred from available funds for this purpose.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 36. RESCIND SELECTMEN’S POLICY STATEMENT REGARDING TEMPORARY SIGN PERMITS – BY PETITION

To see if the Town will vote to rescind the action of the Board of Selectmen taken at their meeting of August 30, 2006 in approving a Policy Statement regarding Temporary Sign permits; said rescission would restore the Temporary Sign regulations in force under the Town of Orleans Zoning By-Laws, Article V, Section 164-35; or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: By petitioner Murray Bernard, to accept and adopt Article # 36 as printed in the warrant.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 38. FREE CASH

To see if the Town will vote to transfer from Free Cash in the Town’s Treasury a sum of money to be used for the reduction of taxes, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article # 38 and that the sum of Five Hundred Eighteen Thousand and 00/100 Dollars (\$518,000.00) be transferred from available funds for this purpose for FY08.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 39. CLOSING ARTICLE

And to act on any other business that may legally come before the meeting.
(Simple Majority Vote Required)

MOTION: To adjourn Town Meeting.

ACTION: Voted, voice vote carries unanimously.

The ANNUAL TOWN MEETING was closed at 10:24 p.m.