

**FALMOUTH  
ANNUAL TOWN MEETING  
NOVEMBER 13, 14 & 15**

**ARTICLE 1:** To Hear Reports of Committees and Town Officers and act thereon.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to hear reports from the Board of Selectmen, Senior Center Building Committee, High School Field Committee, Charter Review Committee, Recreation Committee, and Solid Waste Advisory Committee.

**ARTICLE 2:** To see if the Town will appropriate a sum of money for the purpose of paying unpaid bills from a prior fiscal year, and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a declared two thirds majority vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to transfer the sum of \$2,080.28 from certified free cash for the purpose of paying:

APCO International	489.00
J.C. Madigan	600.00
M Sylvester Towing	110.00
Sandi's Towing	110.00
Siemens	651.83
WB Mason	119.45

**ARTICLE 3:** To see if the Town will vote to appropriate a sum of money for the purpose of funding design and construction of water mains, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to appropriate the sum of \$7,600,000 to pay costs of design and construction of water mains; and to meet this appropriation transfer the sum of \$4,500,000 from certified free cash and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$3,100,000 under and pursuant to Chapter 44 Section 8 (5) of the General Laws, pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Said funds to be expended under the jurisdiction of the Town Manager.

**ARTICLE 4:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to transfer the sum of \$7,117,992 from certified free cash, \$1,500,000 from the Capital Stabilization Fund, \$130,000 from the Waterways Improvement Fund, and \$89,000 from Article 4 of the November 2017 Town Meeting (Coast Guard Water Main) for the purposes of this article. Said funds to be expended under the jurisdiction of the Town Manager.

<b>Information Technology</b>			<b>Vehicles/Equipment cont</b>		
Infrastructure Upgrades	P 38	265,000	Replace H-24 10 Wheel Dump Truck	P 68	235,000
PC Monitors & Software	P 39	58,000	Replace P-14 Dbl Flat Bed Dump Trk	P 69	68,000
<b>General Govt</b>			Replace W-13 One Ton Dump Truck	P 70	68,000
ESCO Phase II Cont.	P 41	375,000	Replace W-16 Utility Vehicle	P 71	66,000
Golf Equipment	P 43	63,000	Trash Compactor	P 72	110,000
Human Service Relocation	P 44	100,000	Replace W-46 Transit Van	P 73	30,000
<b>Public Safety</b>			<b>Fleet Services</b>		
Police Vehicle Replacement	P 45	40,000	CR30 Ton Shop 4 Post Lift	P 75	33,872
Support Vehicle	P 46	114,009	CLHM 140-6 Shop Mobile Lift	P 76	68,898
Detective Vehicle	P 47	27,713	<b>Water</b>		
Security Cameras	P 48	100,000	Filter Media Eval-Crooked Pond Plant	P 77	540,000
Ambulances	P 50	730,000	Water Telemetry Upgrade	P 78	225,000
Fire Equipment/Protective Gear	P 51	175,000	Water Meters	P 79	175,000
Ladder Truck	P 52	1,500,000	Water Distribution System Rehab	P 80	500,000
Patrol Boat Replacement	P 53	200,000	<b>Wastewater</b>		
West Falmouth Ramp	P 55	130,000	Wastewater System Equipment	P 81	225,000
<b>Facilities</b>			<b>Engineering/Admin</b>		
EF Library/WH Fire Station Roof	P 58	60,000	Engineering Software	P 85	44,500
Tony Andrews Farm	P 60	50,000	<b>Parks</b>		
Gus Canty Generator	P 61	150,000	Athletic Field Equipment Package	P 86	175,000
<b>Highway</b>			<b>Schools</b>		
Road Maint/Construction/Sidewalks	P 63	890,000	Paint Mullen Hall Facade	P 91	50,000
School Zone Signage	P 65	60,000	Morse Pond Ceiling Tile Replacement	P 92	360,000
<b>Vehicles/Equipment</b>			East Falmouth Controls & Univents	P 93	390,000
Replace H-22 10 Wheel Dump Truck	P 67	235,000	School Safety, Security & Comm	P 94	150,000
			<b>Grand Total</b>		8,836,992

**ARTICLE 5:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Capital projects, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to transfer the sum of \$1,388,427 from certified free cash for the purposes of this article. Said funds to be expended under the jurisdiction of the Town Manager.

<b>Information Technology</b>			<b>Highway cont</b>		
Computer, Licenses & Networking	P 36	18,020	Removal of Abandoned Structure	P 66	30,000
Network Upgrades	P 37	24,000	<b>Fleet Services</b>		
Top Gun Conversions	P 40	100,000	DP 18 Ton Shop 2 Post Lift	P 74	15,939
<b>General Govt</b>			<b>Engineering/Admin</b>		
N/W Fire Station Feasibility Study	P 42	35,000	Coastal Erosion	P 82	300,000
<b>Public Safety</b>			Rivers/Pond Maintenance	P 83	200,000
Fingerprint Machine	P 49	10,000	Transportation Engineering Services	P 84	105,000
Permitting/Engineering	P 54	35,000	<b>Parks</b>		
<b>Community Development</b>			Athletic Field Renovations	P 87	250,000
Land Management	P 56	20,000	<b>Recreation</b>		
Coastal Resiliency	P 57	100,000	Replace Gym Divider Curtain	P 88	20,000
<b>Facilities</b>			<b>Beach</b>		
Old Silver Beach Visitors Roof	P 59	12,000	Security Cameras	P 89	7,150
Gus Canty Vent Cleaning	P 62	25,000	Roller Curtains-Concession Stands	P 90	21,318
<b>Highway</b>			<b>Grand Total</b>		1,388,427
Bikeway Maintenance	P 64	60,000			

**ARTICLE 6:** To see if the Town will vote to amend the Zoning Bylaw Article XXI - Coastal Pond Overlay District - by amending §240-98 C. to change the title and date of the existing map to read:

For the purposes of this article, there is hereby established in the Town of Falmouth the Coastal Pond Overlay District, which is an overlay district superimposed on the zoning districts. This district is depicted on a map entitled "Watersheds of Coastal Ponds Massachusetts Estuaries Project" dated August 14, 2018, scale 1:18,000 on file with the Town Clerk.

And further to amend the Official Zoning Map's Legend for Coastal Pond Overlay to "Refer to Article XXI of the Zoning Bylaws"

Or do or take any other action on this matter. On behalf of the Planning Board.

**VOTED:** By a declared two thirds majority vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Article 6 as printed.

**ARTICLE 7:** To see if the Town will vote to amend the Zoning Bylaw Article XXXIX- Site Plan Review - by amending § 240-192 Applicability by replacing the words "gross floor area" with "structure" to read:

Any new development or expansion in use, other than one single-family or one two-family residence on a lot which would add 1,000 square feet or more of **structure** or which would, under the parking schedule Table of Minimum Requirements of § 240-108, require a total of five or more parking spaces based on both existing and new development; or any change of use which would, under the parking schedule Table of Minimum Requirements of § 240-108, require five or more parking spaces based only on new development; an accessory apartment allowed as a matter of right or special permit shall be permitted only upon the approval of the Planning Board for site plan review.

And further amend § 240-193 Procedure adding a new sub section C. to read:

C. No certificate of occupancy shall be issued until an As-built plan, prepared by a registered architect, landscape architect or professional engineer has been submitted and verified by the Planning Board Agent that all conditions of approval have been met.

Or do or take any other action on this matter. On behalf of the Planning Board.

**VOTED:** By a declared failed two thirds majority vote, a quorum being present on Tuesday, November 13, 2018 the Town voted not to pass Article 7.

C. No certificate of occupancy shall be issued until an As-built plan, prepared by a registered architect, landscape architect or professional engineer has been submitted and verified by the Planning Board's designee within 7 days of the As-built submittal that all conditions of approval have been met.

**ARTICLE 8:** To see if the town will vote to amend the Zoning Bylaw by adding a new Article XLIII Large-Scale Ground-Mounted Solar Overlay District - and to amend the Official Zoning Map by adding a Large-Scale Ground-Mounted Solar Overlay District along the Blacksmith Shop Corridor proximal to the power line easement on large parcels where tree cover and land forms have previously been impacted, as shown below:

Article XLIII Large Scale Ground Mounted Solar Overlay District

§ 240-251 Purpose and Definitions

§ 240-252 General Requirements for all Large Scale Solar Power Generation

§ 240-253 Required Documents

§ 240-254 Site Plan Review Design and Operation Standards

§ 240-255 Site Abandonment or Decommissioning

§ 240-251 Purpose.

- A. The purpose of this bylaw is to promote the creation of new large scale ground mounted solar installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large scale ground mounted solar installations and shall follow the guidelines set forth in the MA DOER/MA DEP/Mass CEC Clean Energy Results Ground Mounted Solar PV Systems dated June 2015, as amended to the most current guideline.

## B. Definitions

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. **As-of-right development shall be subject to site plan review, § 240-191 through § 240-198.1, to determine conformance with local zoning bylaws.** Projects cannot be prohibited, but can be reasonably regulated by the Building Commissioner

**Large Scale Ground Mounted Solar Photovoltaic Installation:** A Solar Energy System that is structurally mounted to the ground and is not roof mounted; that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

**§ 240-252** General Requirements for all Large Scale Solar Power Generation Installations. The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

A. **Compliance with Laws, Ordinances and Regulations** The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar energy system shall be constructed in accordance with the State Building Code.

B. **Building Permit and Building Inspection.** No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

C. **Fees.** The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

D. **Site Plan Review.** Ground mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority (SPRA) prior to construction, installation or modification as provided in this section. Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board.

E. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

**§ 240-253** Required Documents.

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Site Plan Review Authority:

A. A site plan showing:

- (1) Property lines and physical features, including roads, for the project site;
- (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

- (3) Blueprints or drawings of the solar energy system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
- (4) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;
- (5) Documentation of the major system components to be used, including the panels, mounting system, inverter and storage batteries;
- (6) Name, address, and contact information for proposed system installer;
- (7) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- (8) The name, contact information and signature of any agents representing the project proponent; and
- (9) Zoning district designation for the parcel(s) of land comprising the project site.
- (10) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.
- (11) Locations of floodplains or inundation areas for moderate or high hazard dams;
- (12) Locations of local or National Historic Districts;

- B. Site Control the project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.
- C. Operation & Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the large scale ground mounted solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- D. Proof of liability insurance; and
- E. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required Site Plan Review notification procedures and otherwise inform **abutters and the community as required in §240-193 B.**
- F. Utility Notification - No photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer owned generator.
- G. **Description of financial surety that satisfies Subsection § 240-255 C. below**

**§ 240-254 Site Plan Review Design and Operation Standards**

- A. Minimum Lot Size: 7 Acres
- B. Dimensional; Requirements front, side and rear setbacks shall be as follows:
  - (1) Front yard: The front yard depth shall be at least 100 feet from the road right of way and maintained as a no disturb zone except for the provision of a site access drive
  - (2) Side yard: Each side yard shall have a depth at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the side yard shall not be less than 100 feet and maintained as a no disturb zone.
  - (3) Rear yard: The rear yard depth shall be at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the rear yard shall not be less than 100 feet and maintained as a no disturb zone.

- C. **All structures accessory to ground mounted solar photovoltaic installations shall be subject to** reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. Multiple accessory structures shall be clustered to the greatest extent feasible and views of such structures to residential properties and roadways shall be screened with landscaping.
- D. Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws.
  - (1) Not more than 2 acre of forest land shall be deforested for any one Ground Mounted Solar Photovoltaic Installation, and no such installation shall be placed on such land that was deforested within the prior 5 years.
  - (2) Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.
  - (3) No such installation shall be segmented or broken into separate ownerships so as to **avoid the prohibitions of Subsection D.(1) and (2) above.**
- E. Lighting of large scale ground mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- F. Signage - Signs on large scale ground mounted solar energy systems shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.
- G. Utility Connections - Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- H. Emergency Services - The large scale ground mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- I. Monitoring and Maintenance - The large scale ground mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Chief of the Fire/Rescue Department. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road.
- J. Modifications - All material modifications to a large scale ground mounted solar energy system made after issuance of the required building permit shall require approval by the Site Plan Review Authority

#### § 240-255 Site Abandonment or Decommissioning

- A. Removal Requirements Any large scale ground mounted solar energy system which has **reached the end of its useful life or has been abandoned consistent with § 240-255** of this bylaw shall be removed. For a scheduled decommissioning, the owner shall notify the SPRA by certified mail of the proposed date of discontinued operations and plans for removal. The

owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(1) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.

(2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

B. Abandonment - The cessation of a solar energy system accompanied by an intent to abandon and voluntary conduct whether affirmative or negative. Time is not a controlling factor of abandonment. although the lapse of time may be evidence of an intent to abandon, and where it is accompanied by acts of abandonment, it may be considered in determining whether there has been abandonment. Abandonment may arise from a single act or a series of acts. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, to enter and remove an abandoned, hazardous, or decommissioned large scale ground mounted solar energy system in accordance with applicable laws. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

C. Financial Surety Proponents of large scale ground mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally-or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Or do or take any other action on this matter. On behalf of the Planning Board.

VOTED: By a declared two thirds majority vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to amend the zoning bylaw by adding a new Article XLVIII Large-Scale Ground-Mounted Solar Overlay District - and to amend the Official Zoning Map by adding a Large-Scale Ground-Mounted Solar Overlay District along the Blacksmith Shop Corridor proximal to the power line easement on large parcels where tree cover and land forms have previously been impacted, consisting of Lot numbers: 16 03 002 000; 16 01 016C 000; 16 01 015 000; 22 01 007 000; 22 01 006 000; 22 01 008A 014; 22 01 006A 000; 22 02 004 000; 22 02 009 000; 22 02 12 003 and portions of Lots 22 02 008 003; 22 02 006A 010A; 22 02 006A 008; 22 02 006A 007; 22 02 006 000; 22 02 005 000N and 22 02 005 000M that are under the utility easement.

Article XLVIII Large Scale Ground Mounted Solar Overlay District

#### § 240-251 Purpose.

A. The purpose of this bylaw is to promote the creation of new large scale ground mounted solar installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large scale ground mounted solar installations and shall follow the guidelines set forth in the MA

DOER/MA DEP/Mass CEC Clean Energy Results Ground Mounted Solar PV Systems dated June 2015, as amended to the most current guideline.

B. Definitions

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. **As-of-right development shall be subject to site plan review, § 240-191 through § 240-198.1, to determine conformance with local zoning bylaws.** Projects cannot be prohibited, but can be reasonably regulated by the Building Commissioner

**Large Scale Ground Mounted Solar Photovoltaic Installation:** A Solar Energy System that is structurally mounted to the ground and is not roof mounted; that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

**§ 240-252 General Requirements for all Large Scale Solar Power Generation Installations.** The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

A. **Compliance with Laws, Ordinances and Regulations** The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar energy system shall be constructed in accordance with the State Building Code.

B. **Building Permit and Building Inspection.** No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

C. **Fees.** The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

D. **Site Plan Review.** Ground mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Planning Board.

E. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

**§ 240-253 Required Documents.**

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Planning Board:

A. A site plan showing:

- (1) Property lines and physical features, including roads, for the project site;
- (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- (3) Blueprints or drawings of the solar energy system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector



and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;

(4) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;

(5) Documentation of the major system components to be used, including the panels, mounting system, inverter and storage batteries;

(6) Name, address, and contact information for proposed system installer;

(7) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

(8) The name, contact information and signature of any agents representing the project proponent; and

(9) Zoning district designation for the parcel(s) of land comprising the project site.

(10) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.

(11) Locations of floodplains or inundation areas for moderate or high hazard dams;

(12) Locations of local or National Historic Districts;

B. Site Control the project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.

C. Operation & Maintenance Plan - The project proponent shall submit a plan for the operation and maintenance of the large scale ground mounted solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

D. Proof of liability insurance; and

E. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required Site Plan Review notification procedures and otherwise inform abutters and the community as required in §240-193 B.

F. Utility Notification - No photovoltaic system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer owned generator.

G. Description of financial surety that satisfies Subsection § 240-255 C. below

#### § 240-254 Site Plan Review Design and Operation Standards

A. Minimum Lot Size: 7 Acres

B. Dimensional; Requirements front, side and rear setbacks shall be as follows:

(1) Front yard: The front yard depth shall be at least 100 feet from the road right of way and maintained as a no disturb zone except for the provision of a site access drive

(2) Side yard: Each side yard shall have a depth at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the side yard shall not be less than 100 feet and maintained as a no disturb zone.

(3) Rear yard: The rear yard depth shall be at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the rear yard shall not be less than 100 feet and maintained as a no disturb zone.

C. All structures accessory to ground mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. Multiple accessory structures shall be clustered to the

greatest extent feasible and views of such structures to residential properties and roadways shall be screened with landscaping.

D. Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws.

(1) Not more than 2 acre of forest land shall be deforested for any one Ground Mounted Solar Photovoltaic Installation, and no such installation shall be placed on such land that was deforested within the prior 5 years. (2) Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.

(3) No such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of Subsection D.(1) and (2) above.

E. Lighting of large scale ground mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

F. Signage - Signs on large scale ground mounted solar energy systems shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

G. Utility Connections - Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

H. Emergency Services - The large scale ground mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

I. Monitoring and Maintenance - The large scale ground mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Chief of the Fire/Rescue Department. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road.

J. Modifications - All material modifications to a large scale ground mounted solar energy system made after issuance of the required building permit shall require approval by the Planning Board

#### § 240-255 Site Abandonment or Decommissioning

A. Removal Requirements Any large scale ground mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with § 240-255 of this bylaw shall be removed. For a scheduled decommissioning, the owner shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (1) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

B. Abandonment - The cessation of a solar energy system accompanied by an intent to abandon and voluntary conduct whether affirmative or negative. Time is not a controlling factor of abandonment. Although the lapse of time may be evidence of an intent to abandon, and where it is accompanied by acts of abandonment, it may be considered in determining whether there has been abandonment. Abandonment may arise from a single act or a series of acts. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, to enter and remove an abandoned, hazardous, or decommissioned large scale ground mounted solar energy system in accordance with applicable laws. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

C. Financial Surety Proponents of large scale ground mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

**ARTICLE 9:** To see if the Town will vote to amend the Code of Falmouth, Chapter 240, Zoning, as follows:

To Article XI, Light Industrial A districts, add:

"§240-54.H. Ground-mounted solar photovoltaic array."

"§240-56.F. Ground-mounted solar photovoltaic array."

To Article XII, Light Industrial B districts, add:

"§240-60.I. Ground-mounted solar photovoltaic array."

"§240-62.C. Ground-mounted solar photovoltaic array."

To Article XIII, Light Industrial C districts, add:

"§240-64.4.D. Ground-mounted solar photovoltaic array."

Or do or take any other action on this matter. On petition of Ronald D. Zwieg.

**VOTED:** By an electronic vote of 119 in favor and 74 in opposition, having failing to receive the required two thirds majority, a quorum being present on Tuesday, November 13, 2018 the Town voted not to pass Article 9.

**ARTICLE 10:** To see if the Town will vote to amend the Falmouth Zoning bylaw in the following manner:

1. Under Article VIII - Section 240 - 36 - Other permitted principal uses:

to add the following:

"C. Ground- mounted solar photovoltaic array on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240 - 198.2"

2. Under Article XI - Section 240 - 55 - Other permitted principal uses:

to add the following:

"D. Ground - mounted solar photovoltaic array on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240 - 198.2."

3. Under Article XII - Section 240- 61 - Other permitted principal uses:

to add the following:

"C. Ground - mounted solar photovoltaic array on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240- 198.2"

4. Under Article XIII - Section 240 - 64. 3 - Permitted business, commercial and industrial uses

to add the following language to paragraph D:

"on lots of twenty (20) acres or more, subject to Site Plan Review under Article XXXIX Section 240-198.2"

5. Under Article XXXIX Site Plan Review to add the following subsection after Section 240. 198. 1:

"Section 240- 198. 2 Ground Mounted Solar Photovoltaic Array - Application Requirements

A. Ground - mounted solar photovoltaic installations shall undergo Site Plan Review pursuant to this section, prior to construction, installation or modification as provided in this section.

B. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

C. The project proponent shall provide the following documents and information to the Planning Board:

(1) A site plan showing:

[a] property lines and physical features, including roads, for the project site;

[b] proposed changes to the landscape of the site, grading, vegetation, clearing and planting, exterior lighting, screening, vegetation or structures;

[c] blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

[d] one or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;

[e] documentation of the major system components to be used, including panels, mounting systems, and inverter;

[e] name, address, and contact information for proposed system installer;

[e] name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

[f] the name, contact information and signature of any agents, representing the project proponent;

(2) Documentation of actual or prospective access and control of the project site sufficient to allow for the construction and operation of the proposed solar photovoltaic installation;

(3) An operation and maintenance plan.

(4) Zoning district designation for the parcels of land comprising the project site.

(5) A description of the financial surety that satisfies the requirement hereinafter set forth in subsection Q with respect to decommissioning of the installation.

(6) A plan for the operation and maintenance of the installation, which shall include specific measures for maintaining safe access to the installation, a stormwater management plan, and general procedures for and frequency of operational maintenance of the installation.

D. No ground mounted solar photovoltaic installation shall receive a building permit until and executed, interconnected agreement with Nstar, the utility company operating the electrical grid, has been submitted to the building Commissioner. Off -grid systems are exempt from this requirement.

E. Ground mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the applicable zoning district, but the structures which constitute the ground mounted solar photovoltaic array shall be exempt from calculations relating to lot coverage by structure as otherwise set forth in regulations applicable to the district.

F. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

G. Signs on large-scale, ground mounted solar photovoltaic installations shall comply with sign regulations as set forth in this bylaw. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising.

H. All structures accessory to ground mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. To avoid adverse visual impacts, all such accessory structures, including but not limited to, equipment, shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other, multiple accessory structures shall be

clustered to the greatest extent feasible, and use of such structures to residential properties and roadways shall be screened with landscaping.

I. Reasonable efforts shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider.

J. The installation owner or operator shall provide a copy of a Project Summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

K. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the installation.

L. The owner or operator shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to site plan review. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation.

M. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall be submitted for site plan review prior to such proposed modifications.

N. Any installation which has reached the end of its useful life, or has been abandoned, shall be decommissioned and removed. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of decommissioning and plans for removal. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations.

O. Decommissioning shall consist of:

(1) physical removal of all large-scale, ground mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

(2) disposal of all solid and hazardous waste in accordance with local, state, federal waste disposal regulations.

(3) Stabilization or revegetation of the site as necessary to minimize erosion. The building Commissioner may allow the owner or operator to leave landscaping or below grade foundations in order to minimize erosion and destruction to vegetation.

P. Absent notice of a proposed date of decommissioning, or written notice of extenuating circumstances, the installation shall be considered abandoned by the owner when it fails to operate for more than one year, without the written consent of the building commissioner. If the owner or operator of the installation fails to remove the installation in accordance with the requirements of this section within 150 days of notification of abandonment from the building commissioner, the town may enter the property and physically remove the installation.

Q. The proponent of the installation shall provide a form of surety, either through an escrow account, bond or otherwise to cover the cost of removal and disposal in the event the town must remove the installation and remediate the landscape, in an amount and in a form acceptable to the Falmouth Town Counsel, but in no event to exceed more than 125% of the cost of removal in compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally or state owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for prorating removal costs as they may be affected by inflation or changes to disposal regulations.

On petition of Christopher Lynch and others.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Indefinite Postponement.

**ARTICLE 11:** To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 240-13 Moratorium on Solar Energy System

**§ 240-13 Moratorium on permits for solar.**

The provisions of the Zoning Bylaw to the contrary notwithstanding, no building permit or special permit for the construction of a solar arrays, as defined, shall issue until November 30, 2019, or until this article is repealed by a vote of Town Meeting, whichever occurs first. The purpose of this article is to provide the time necessary to study impacts to sites, site coverage and other issues associated with the location of this use in front yard setbacks and along the roadways in Falmouth.

Or do or take any other action on this matter. On behalf of the Planning Board

**VOTED:** By a declared failed majority vote, a quorum being present on Wednesday, November 14, 2018 the Town voted not to pass Article 11.

**ARTICLE 12:** We, the members of the Town Meeting of Falmouth, Massachusetts, urge the Massachusetts Legislature and Governor Baker to maintain and/or modify the Commonwealth's Net Metering Program so that it (1) has no limits (caps) on the aggregate number of megawatts eligible for net metering, in the Commonwealth or in any of its different zones; (2) allows net metering for a particular installation as long as it can yield electricity to the grid; (3) allows assignment of credits to other accounts; (4) preserves the Massachusetts "Community Solar" model; (5) assures fair rates of compensation; and (6) guarantees fair on-bill solar compensation for renters, low-income residents, and residents of publicly-assisted housing.

If the Massachusetts Department of Public Utilities has approved the Solar Massachusetts Renewable Target (SMART) program, We, the members of the Town Meeting of Falmouth, Massachusetts, also urge the Massachusetts Legislature to maintain and/or modify SMART so that it operates on the six principles spelled out above, and also specifically: (1) removes the limits on the aggregate number of megawatts eligible for compensation in the Commonwealth or in any of its different zones; and (2) eliminates the decline in the rate of compensation that SMART imposes as additional solar installations are approved. On petition of Charles Grant Walker and others.

**VOTED:** By an electronic vote of 126 in favor and 68 in opposition, a quorum being present on Wednesday, November 14, 2018 the Town voted Article 12 as printed.

**ARTICLE 13:** To see if the Town will vote to amend the Zoning Bylaw Article XIV -Dimensional Regulations - by amending § 240-68 Minimum setbacks from side and rear lot lines by adding to subsection (1): A shed 100 square feet or less shall be at least 3 feet from the side and rear property lines. To Read:

(1) For residential structures, and appurtenant accessory structures in excess of 100 square feet, except piers, floats, docks and bulkheads the minimum setback in all districts shall be 10 feet. **A shed 100 square feet or less shall be at least 3 feet from the side and rear property lines.**

Or do or take any other action on this matter. On behalf of the Planning Board.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Article 13 as printed.

**ARTICLE 14:** To see if the Town will vote to amend the Zoning Bylaw Article V - Single Resident Districts - and Article VIII - Agricultural Districts - and by amending both § 240-23 I. and § 240-38 I. Accessory Apartments by deleting both sections and inserting the new language below in both sections:

#### I. Accessory Apartments

(1) Purpose. The intent of the Accessory Apartment bylaw is to: Broaden the range of housing choice in Falmouth by increasing the number of small dwelling units available for rent; Encourage greater diversity of population with particular attention to young adult citizens and to allow for "Aging in Place" for our senior citizens; Promote more economic and energy efficient use of the town's housing supply. All this while maintaining the appearance and character of the Town's single family neighborhoods.

(2) Definitions. Accessory Apartment. Sections 240-3 A, 240-66.D and 240- 70.D not-with-standing, an additional dwelling unit, subordinate in size and accessory to the principal dwelling unit on the lot, located in either the principal dwelling or an accessory structure on the lot. An accessory apartment is constructed so as to maintain the appearance and essential character of a single family dwelling or accessory structure thereto located on the lot.

(3) Requirements.

- a) Only one accessory apartment shall be allowed per lot.
- b) The lot size shall be no less than 7,500 square feet.
- c) Either the principal dwelling or accessory apartment must be owner-occupied for a period of seven months in every calendar year, or owned by a nonprofit organization or government authority whose purpose is to provide affordable housing.
- d) Either the principal dwelling or accessory apartment may be rented, but not both. The owner occupied dwelling cannot be rented while owner is absent. Rental periods shall be no less than six (6) months and weekly/monthly rentals (so called summer rentals) are expressly prohibited. Neither the principal dwelling nor accessory apartment shall be used as commercial accommodations at any time.
- e) The accessory apartment shall have no more than two bedrooms and a maximum of eight hundred (800) square feet, or forty (40) percent of the principal dwelling, whichever is less, as measured using the exterior side of the outside wall.
- f) The foot print of a new detached accessory dwelling unit cannot exceed that of the principal dwelling.
- g) An existing dwelling in excess of four (4) bedrooms may convert two of the existing bedrooms into one accessory unit.
- h) The total number of bedrooms on the lot shall not exceed four when the lot contains less than twenty thousand (20,000) square feet. A property that has a preexisting bedroom count that exceeds four (4) bedrooms per twenty thousand (20,000) square feet of lot area can maintain that number of current bedrooms but cannot increase.
- i) Whether allowed as a matter of right or by special permit, accessory apartments located on lots subject to the provisions of the Water Resource Protection or Coastal Pond Overlay Districts, the total number of bedrooms shall not exceed one (1) per ten thousand (10,000) square feet of lot area. Properties that preexist with a density greater than one (1) bedroom per ten thousand (10,000) square feet in a Coastal Pond Overlay District can maintain their existing bedroom count but cannot increase.
- j) Owners of properties in a Coastal Pond Overlay District that want to increase the number of bedrooms beyond the density outlined in (i) can only do so provided that:
  - 1. both the principal dwelling and accessory apartment are connected to the municipal sewer system and only to the extent allowed within the applicable sewer district bylaw or regulation; or
  - 2. an on-site septic system with enhanced nitrogen removal approved by the Board of Health is installed on the property.

(4) Design Standards. Accessory apartments, whether a part of new construction, reconstruction, alteration or change to a single family residence or an attached or detached accessory structure, shall maintain the following standards:

- a) The architectural effect, as the result of the accessory apartment being constructed within the principal dwelling or attached thereto, shall be that of a single family residence compatible with the surrounding neighborhood.
- b) The architectural effect, as the result of the accessory apartment being constructed as a detached accessory structure, shall be that of a structure incidental to a single family residence compatible with the surrounding neighborhood.
- c) Parking for the accessory apartment shall be provided on site.

(5) Procedures.

- a) An Accessory Apartment constructed within an existing single family dwelling or an existing accessory structure attached thereto:

Prior to the issuance of a building permit for an accessory apartment constructed within a single family dwelling or accessory structure attached thereto, a Site Plan Review (Design Review), pursuant to Article XXXIX (39) of the Zoning Bylaw, shall be conducted by the Planning Board, taking into account the design standards, requirements and purposes of this accessory apartment bylaw. The application for site plan review shall include the information contained in Section 240-195 C, unless waived by the Planning Board.

b) Accessory Apartment constructed within an existing detached accessory structure or within a new detached accessory structure (not attached to a single family dwelling):

In addition to the site plan review requirements above, an accessory apartment built within or as an accessory structure, not attached to a single family dwelling, shall require a special permit from the Zoning Board of Appeals. In addition to the design standards, requirements and purposes of this accessory apartment bylaw, the Zoning Board of Appeals shall take into account the standards found in section 240-216 A through I of this bylaw.

#### (6) Monitoring

a) An affidavit shall be submitted annually to the Building Commissioner, signed by the property owner, attesting that the principal dwelling or accessory apartment has been owner-occupied for a period of seven months and not otherwise rented as set forth in section 3 (b) above. The Building Commissioner may allow a property owner to be absent during this seven-month period for cause, such as military assignment, work or health related issues, academic sabbatical or similar circumstance.

#### (7) Enforcement

a) Upon a written determination by the Building Commissioner that the property owner has failed to comply with these provisions the property owner shall bring the accessory apartment into compliance within ninety (90) days of such notice. Failing compliance, the property shall be restored to single family dwelling status within ninety (90) days of said failure determination, in a manner that complies with all requirements of the State Building Code and any other local regulations or bylaws. Or do or take any other action on this matter. On behalf of the Planning Board.

**VOTED:** By a declared two thirds majority vote, a quorum being present on Wednesday, November 14, 2018 the Town voted to amend the Zoning Bylaw Article V - Single Resident Districts - and Article VIII - Agricultural Districts - **and by amending both § 240-23 I. and § 240-38 I.** Accessory Apartments by deleting both section and inserting the new language below in both sections:

#### I. Accessory Apartments.

(1) Purpose. The intent of the Accessory Apartment bylaw is to: Broaden the range of housing choice in Falmouth by increasing the number of small dwelling units available for rent; Encourage greater diversity of population with particular attention to young adult citizens and to allow for "Aging in Place" for our senior citizens; Promote more economic and energy efficient use of the town's housing supply. All this while maintaining the appearance and character of the town's single family neighborhoods.

#### (2) Definitions.

Accessory Apartment. Sections 240-3 A, 240-66. D and 240- 70.D not-with-standing, an additional dwelling unit, subordinate in size and accessory to the principal dwelling unit on the lot, located in either the principal dwelling or an accessory structure on the lot. An accessory apartment is constructed so as to maintain the appearance and essential character of a single family dwelling or accessory structure thereto located on the lot.

#### (3) Requirements.



- a) Only one accessory apartment shall be allowed per lot.
  - b) The lot size shall be no less than 7,500 square feet.
  - c) Either the principal dwelling or accessory apartment must be owner-occupied for a period of seven months in every calendar year, or owned by a nonprofit organization or government authority whose purpose is to provide affordable housing.
  - d) Either the principal dwelling or accessory apartment may be rented, but not both. The owner occupied dwelling cannot be rented while owner is absent. Rental periods shall be no less than six (6) months and weekly/monthly rentals (so called summer rentals) are expressly prohibited. Neither the principal dwelling nor accessory apartment shall be used as commercial accommodations at any time.
  - e) The accessory apartment shall have no more than two bedrooms and a maximum of eight hundred (800) square feet, or forty (40) percent of the principal dwelling, whichever is less, as measured using the exterior side of the first floor outside wall. Plus as follows: finished attic space, 50% of first floor; finished half story, 75% of first floor; three quarter story (gambrel), 90% of first floor; second floor colonial, 100% of first floor; and third floor colonial, 100% of first floor.
  - f) The foot print of a new detached accessory dwelling unit cannot exceed that of the principal dwelling.
  - g) An existing dwelling in excess of four (4) bedrooms may convert two of the existing bedrooms into one accessory unit.
  - h) The total number of bedrooms on the lot shall not exceed four when the lot contains less than **twenty thousand (20,000) square feet. A property that has a preexisting bedroom count that exceeds four (4) bedrooms per twenty thousand (20,000) square feet of lot area can maintain that number of current bedrooms but cannot increase.**
  - i) Whether allowed as a matter of right or by special permit, accessory apartments located on lots subject to the provisions of the Water Resource Protection or Coastal Pond Overlay Districts, the total number of bedrooms shall not exceed one (1) per ten thousand (10,000) square feet of lot **area. Properties that preexist with a density greater than one (1) bedroom per ten thousand (10,000) square feet in a Coastal Pond Overlay District can maintain their existing bedroom count but cannot increase.**
  - j) Owners of properties in a Coastal Pond Overlay District that want to increase the number of bedrooms beyond the density outlined in (i) can only do so provided that:
    - 1. both the principal dwelling and accessory apartment are connected to the municipal sewer system and only to the extent allowed within the applicable sewer district bylaw or regulation; or
    - 2. **an on-site septic system with enhanced nitrogen removal approved by the Board of Health is installed on the property.**
- (4) Design Standards. Accessory apartments, whether a part of new construction, reconstruction, alteration or change to a single family residence or an attached or detached accessory structure, shall maintain the following standards:
- a) The architectural effect, as the result of the accessory apartment being constructed within the principal dwelling or attached thereto, shall be that of a single family residence consistent in its exterior character.
  - b) The architectural effect, as the result of the accessory apartment being constructed as a detached accessory structure, shall be that of a structure incidental to a single family residence and in the same character and period of architecture as the primary residence.
  - c) Parking for the accessory apartment shall be provided on site.
- (5) Procedures.
- a) An Accessory Apartment constructed within an existing single family dwelling or an existing accessory structure attached thereto:
    - Prior to the issuance of a building permit for an accessory apartment constructed within a single family dwelling or accessory structure attached thereto, a Site Plan Review (Design Review), pursuant to Article XXXIX (39) of the Zoning Bylaw, shall be conducted by the Planning Board, taking into account the design standards, requirements and purposes of this

accessory apartment bylaw. The application for site plan review shall include the information contained in Section 240-195 C, unless waived by the Planning Board.

- b) Accessory Apartment constructed within an existing detached accessory structure or within a new detached accessory structure (not attached to a single family dwelling):

In addition to the site plan review requirements above, an accessory apartment built within or as an accessory structure, not attached to a single family dwelling, shall require a special permit from the Zoning Board of Appeals. In addition to the design standards, requirements and purposes of this accessory apartment bylaw, the Zoning Board of Appeals shall take into account the standards found in section 240-216 A through I of this bylaw.

**(6) Monitoring**

- a) An affidavit shall be submitted annually to the Building Commissioner, signed by the property owner, attesting that the principal dwelling or accessory apartment has been owner-occupied for a period of seven months and not otherwise rented as set forth in section 3 (c) above. The Building Commissioner may allow a property owner to be absent during this seven-month period for cause, such as military assignment, work or health related issues, academic sabbatical or similar circumstance.

**(7) Enforcement**

- a) Upon a written determination by the Building Commissioner that the property owner has failed to comply with these provisions the property owner shall bring the accessory apartment into compliance within ninety (90) days of such notice. Failing compliance, the property shall be restored to single family dwelling status within ninety (90) days of said failure determination, in a manner that complies with all requirements of the State Building Code and any other local regulations or bylaws.

**ARTICLE 15:** To see if the Town will vote to amend Article VI "General Residence Districts" of Chapter 240-Zoning-of the Code of Falmouth by adding Subsection 240-28.H.(5), to read as follows:

(5) Accessory apartments, subject to the same definitions, requirements, design standards and procedures as provided for in Section 240-23.I.

On petition of Kevin P. Klauer, II.

**VOTED:** By a declared two thirds majority vote, a quorum being present on Wednesday, November 14, 2018 the Town voted Article 15 as printed.

**RECONSIDERATION:** By a declared majority vote, a quorum being present on Thursday, November 15, 2018 the Town voted to reconsider Article 15.

**VOTED:** By a declared failed majority vote, a quorum being present on Thursday, November 15, 2018 the Town voted not to amend Article VI "General Residence Districts" of Chapter 240-Zoning of the Code of Falmouth

**ARTICLE 16:** To see if the Town will vote to amend the Town's Position Classification Plan for the purposes of adjusting the seasonal compensation

Delete:

<b>Grade</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>
1	Parking Attendant - Beach	\$11.22	\$11.67
2	Clerk I	\$11.67	\$12.14
3	Clerk II	\$12.14	\$12.63
	Head Parking Lot Attendant - Beach		
	Maintenance Laborer		
	Parking Lot Security - Beach		
	Night Watch - Harbormaster		
	Camp Counselor - Recreation		
	Waterways Assistant		
4	Lifeguard - Beach	\$12.99	\$13.51
	Senior Waterways Assistant		
	Sailing Instructor		
5	Water Safety Inst. / Asst. Head Guard - Beach	\$13.89	\$14.46
	Pump Out Boat Operator - Harbormaster		
	Certified Sailing Instructor		
6	Equipment Operator - Beach	\$14.87	\$15.47
	Head Guard - Beach		
	Maintenance Foreman - Beach		
	Caretaker - Parks		
7	Clerk III	\$15.91	\$16.55
	Staff Guard/Supervisor		
	Assistant Harbormaster - Constable		
	Seasonal Police Officer		
8	Swim Program Director - Beach	\$17.02	\$17.71
	Assistant Harbormaster - Dockmaster		
9	Assistant Superintendent of Beaches	\$18.21	\$20.87
11	Superintendent of Beaches	\$20.76	\$23.89
	Inspector	\$11.00	
	Election Clerk	\$11.55	
	Deputy Warden/Deputy Clerk	\$11.55	
	Election Warden	\$12.34	

Add:

<b>Grade</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>
1	Parking Attendant - Beach	\$12.00	\$14.59
2	Clerk I	\$12.48	\$15.17
3	Clerk II	\$12.98	\$15.78
	Head Parking Lot Attendant - Beach		
	Parking Lot Security - Beach		
	Night Watch - Harbormaster		
	Camp Counselor - Recreation		
	Waterways Assistant		
4	Lifeguard - Beach	\$13.89	\$16.88
	Senior Waterways Assistant		
	Sailing Instructor		
5	Water Safety Inst. / Asst. Head Guard - Beach	\$14.86	\$18.06
	Pump Out Boat Operator - Harbormaster		
	Certified Sailing Instructor		
6	Head Guard - Beach	\$15.90	\$19.33
	Laborer		
	Assistant Animal Control Officer		
7	Clerk III	\$17.01	\$20.68
	Staff Guard/Supervisor		
	Assistant Harbormaster - Constable		
	Seasonal Police Officer		
	Maintenance Foreman - Beach		
8	Swim Program Director - Beach	\$18.20	\$22.13
	Assistant Harbormaster - Dockmaster		
9	Assistant Superintendent of Beaches	\$19.48	\$23.68
11	Superintendent of Beaches	\$22.21	\$26.99
	Inspector	\$11.00	\$12.00
	Election Clerk	\$11.55	\$12.60
	Deputy Warden/Deputy Clerk	\$11.55	\$12.60
	Election Warden	\$12.34	\$13.46

Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Article 16 as printed.

**ARTICLE 17:** To see if the Town will vote to amend the Town's Position Classification Plan as follows:

Delete:	Network Computer Technician	M-5	\$29.24	\$38.12
Add:	IT Support Specialist	M-3	\$22.08	\$28.83

Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Article 17 as printed.

**ARTICLE 18:** To see if the Town will vote to approve the vote of the Falmouth Contributory Retirement Board to accept the provisions of G. L. c. 32, s. 101, 3rd paragraph to increase from \$6,000 to \$12,000 the annual benefit payable to surviving spouses of disabled public employees. Or do or take any other action on this matter.  
On request of the Falmouth Contributory Retirement Board.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Article 18 as printed.

**ARTICLE 19:** To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out the following listed roads according to plans on file with the Town Clerk for taking as a public way under the Betterment Act:

<b>Road</b>	<b>From</b>	<b>To</b>	<b>Length</b>	<b>Width</b>
Winthrop Drive	Seacoast Shores Blvd.	Edgewater Drive West	770.7'	40'
Captain Davis Lane	Davisville Road	Dead End	1096'	40'

Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 14, 2018 the Town voted Indefinite Postponement of Article 19.

**ARTICLE 20:** To see if the Town will vote to accept the provisions of General Laws Chapter 143, section 3Z allowing any part time inspector of buildings or part time local inspector to practice for hire or engage in the business for which he is certified, licensed or registered under the building code, while serving as such inspector; provided, however, he shall not exercise any of his powers and duties as inspector on work done by himself, his employer, an employee or one employed with him.  
Or do or take any other action on this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Article 20 as printed.

**ARTICLE 21:** To see if the Town will vote to amend Town Code Chapter 107. Demolition by deleting the word "six" in Section 107-3.D and F of Procedure and substitute with the word "twelve", changing the amount of time the Historical Commission can delay the issuance of a building permit by the Building Commissioner to demolish a historically or architecturally significant building listed on the List of Significant Buildings .

Sections will read as:

**§107-3. Procedure.**

D. If such letter indicates that the building is on the List, the date on which the request is recorded by the Town Clerk shall be the commencement of a **twelve-month delay period** , during which time the Building Commissioner shall not accept or act on any application for a demolition permit except as provided for under 107-4 of this article entitled "Waiver of delay."

F. Upon performance of such a review, the Commissioner shall notify the Building Commissioner in writing that the applicant has fulfilled the requirement to attend. The Building Commissioner shall not accept or act on any application for a demolition permit for a building on the List of Significant Buildings without such written notification from the Historical Commission, regardless of whether the **twelve-month delay period** has ended. If the Building Commissioner has received such written notification, and if following the twelve-month delay period the applicant still chooses to apply for a demolition permit, the Building Commissioner may then issue a demolition permit for the building.

Or do or take any other action on this matter. On request of the Historical Commission.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted Article 21 as printed.

**ARTICLE 22:** Purpose and Intent.

The purpose of this article is make changes to Town Meeting Rules regarding Electronic Voting in order to enhance transparency and open government.

Changes to the Code of Falmouth.

Amend the Code of Falmouth In:

1) Chapter 49-8.2 " Electronic voting " by inserting at the end of the section the following, " An electronic voting request may be made at any time prior to a vote being completed. Each time an approved electronic vote counting and recording system is used the vote shall be considered a recorded roll call vote and the recorded roll call vote shall be made available on the town website unless two-thirds of Town Meeting members vote by standing vote to override the use of a recorded roll call vote.;"

2) Chapter 49-8.1 " Voice vote " of the Code of Falmouth be amended by adding after the words " a standing vote " the words " or electronic vote " .

On petition of J. Malcolm Donald.

**VOTED:** By an electronic roll call vote of 72 in favor and 117 in opposition, a quorum being present on Wednesday, November 14, 2018 the Town voted not to pass Article 22.

AFONSO	-	FERNANDES, DYLAN	-	MAGUIRE, DEBORAH	No	ROGERS, DEBRA-LEE	-
AGUIAR	-	FERREIRA, RUSSELL	-	MALGERI, DAMIAN	-	ROGERS, FLANNERY	Yes
ALVES	-	FINNELL, MARGARET	Yes	MANCINI, MARK	No	ROGERS, RICHARD	-
ALWARDT	No	FINNERAN, MARC	No	MARNELL, JAMES	Yes	ROTHSTEIN, PAMELA	Yes
ANTONUCCI	Yes	FITZELLE, ALBERT	No	MARTIN, DAVID	No	ROWITZ, RAY	Yes
ASENDORF	No	FLYNN, MARY PAT	No	MARTIN, DENNIS	Yes	SACCHETTI, RICHARD	No
AUGUSTA	No	FOREMAN, KENNETH	Yes	MARTIN, HELEN	No	SALTER, C DIANE	-
BAKER	No	FUNFAR, BARRY	-	MARTIN, MICHAEL	No	SALTER, DAVID	No
BAKER	-	GEISHECKER III, FRANK	No	MARTINHO, JOSEPH	-	SCANLON, DEBORAH	Yes
BARRY	Yes	GILLIS, MARTHA	Yes	MASE, ROSE	No	SCHNEIDER, BARBARA	No
BENNETT, J	Yes	GIRARD, LOIS	No	MASSI, LOUIS	Yes	SCHNEIDER, GARY	No
BENNETT, S	Yes	GORDON, HELEN	No	MCCAFFREY JR., CHARLES	-	SCHUMACHER, ROBERT	Yes
BIDWELL	No	GOULART, RICHARD	No	MCCLUSKEY, JEAN	No	SCHWALBE, KAREN	No
BISSONNETTE	No	GUTHRIE, BEN	Yes	MCDONALD, DAVID	-	SCJLITZ, RONALD	No
BORDEN	No	HADDAD SR., DAVID	-	MEDEIROS, TERRI ANN	No	SELLERS, PAUL	No
BRADLEY	No	HANNEY, NICHOLAS	-	MINCER, TRACY	-	SHEARER, DANIEL	Yes
BRAGA	Yes	HARGRAVES, KAREN	Yes	MORAN, SUSAN	No	SHEARER, DOUGLAS	Yes
BRAZIER	Yes	HARGRAVES, PETER	Yes	MORANO, PATRICIA	No	SHEPHARD, SUSAN	No
BRODEUR	No	HARRIS, CHARLOTTE	No	MORSE, JAMES	-	SIEGAL, DEBORAH	No
BROWN	Yes	HARRIS, MARY	Yes	MURPHY SR, JAMES	-	SIMPKINS, GRACE	-
BUCKLEY	-	HERBST, RALPH	No	MURPHY, CAROL	-	SMITH SR., BRENDAN	-
BUESSELER	No	HOFFER, DONALD	-	MURPHY, KEVIN	-	SMITH, SUSAN	No
BUESSELER	No	HOFFER, STEFANIE	No	MURRAY, KATHLEEN	-	SMOLOWITZ, RONALD	No
BUSHY, JR	No	HOULE, LOUISE	-	MUSTAFA, AHMED	Yes	STECHEER, BERNARD	No
CALI	Yes	HUNT JR., H. CARTER	No	NETTO JR, JOHN	-	STEVENS, HENRY	Yes
CALKINS-MARTINI	No	HURST, DONNA	Yes	NETTO, JOSEPH	No	SWAIN, BRENDA	Yes
CALLAHANI	Yes	HYATT, JASON	-	NICKERSON, BRIAN	No	SWAIN, CHARLES	No
CAREYI	No	JAKUBA, RACHEL	No	NIELSEN JR., PETER	No	SWAIN, MARY	-
CIARLETTAI	No	JENSEN, AILEEN	-	NIEMEYER, MISTY	Yes	SWAIN, RICHARD	-

CLARK	No	JOHNSON, LEONARD	No	NOONAN, DONNA	-	SYLVIA, GAIL	No
COLLINS III	Yes	JOHNSON, PATRICIA	Yes	NOONAN, JOHN	-	SZUPLAT, MARGARET	No
COLLINS	Yes	JONES, CLAYTON	No	O'BRIEN BUMPUS, CATHERINE	No	THOMAS, JEFFREY	No
CONNOLLY	-	JONES, DOUGLAS	No	O'CONNELL, MAUREEN	No	THORROLD, ANDREA	No
COOK	No	KANELLOPOULOS, BARBARA	Yes	OFFINGER, CATHERINE	No	THRASHER, SCOTT	No
COOL	-	KANELLOPOULOS, PAUL	No	OPPENHEIM, JEFFREY	Yes	TOBEY, LINDA	No
CUMMINGS	-	KAPP, PAUL	Yes	OSTROFF, ANN-BETH	No	TOMPKINS, JACQUES	-
CUNY	No	KASPARIAN, MICHAEL	-	PACHECO-TARANTO, KELLY	-	TURKINGTON, ERIC	No
DAVIS	No	KAVANAGH, KEVIN	Yes	PALANZA, MEGHAN	No	VALIELA, VIRGINIA	No
DAWSON	Yes	KEEFE, BRIAN	No	PALMER, LEAH	Yes	VALLEY, TARA	Yes
DAY	No	KEEFE, MELISSA	No	PALMER, MICHAEL	Yes	VENDITTI, ELLEN	Yes
DEAN	No	KELLEY, HEATHER	-	PANISH, BARRY	-	VIEIRA, DAVID	-
DEWEEES	Yes	KENDALL, RICHARD	Yes	PATEL, SARAV	No	VIEIRA, JAMES	No
DONAHUE	-	KENNEDY, HELEN	No	PATRICK, MATTHEW	Yes	VOGEL, WENDY	Yes
DONAHUE, ROBERT	Yes	KETCHUM, PAUL	No	PATTERSON JR, SAMUEL	No	WAASDORP JR, PETER	-
DONALD, J MALCOLM	Yes	KINNEY, J MICHAEL	No	PECK, WILLIAM	-	WAGGETT, TRACEY	Yes
DORRIS, WEATHERLY BARNARD	-	KIRWIN, AILEEN	Yes	PERRY, JANICE	-	WALKER, CHARLES	Yes
DREYER, PAUL	No	KLATTENBERG, RONALD	-	PERRY, NATALIE	No	WALRATH, THOMAS	No
DUBOIS, DAVID	No	KOWALSKI, TIM	No	PETERS JR., WILLIAM	No	WATERBURY, JOHN	Yes
DUFFANY, MICHAEL	No	LARUFFA, CINDY	No	PETERSON, LAURA LORUSSO	Yes	WEBBER, GINA	Yes
DUFFANY, TODD	No	LATIMER, RICHARD	Yes	PETERSON, THOMAS	No	WELCH, KELLY	No
DUFRESNE, ADRIAN	No	LEATHERS, ELLEN	Yes	POHLMAN, ALYSSA	No	WEYMOUTH, DONALD	No
DUFRESNE, ALICE	No	LEMAY, HERVEY	No	POLLONI, PAMELA	No	WHEELER, ERIC	No
DUGAN, HARRIET	Yes	LICALSI, MARK	Yes	POTAMIS, GERALD	No	WHITEHEAD, LINDA	No
DUGAN, ROBERT	No	LICHTENSTEIN, LESLIE	Yes	PRATT, KIRA	-	WILLIAMS, CHERYL	No
DYER, RONALD	Yes	LITTLE, MARY	No	PRICE, ESTHER	Yes	WILSON, ANDREA	Yes
DYNAN, WILLIAM	Yes	LONG, SARAH	No	PUTNAM, REBECCA	Yes	WINOGRAD, DEBORAH	No
EASTMAN JR, CHARLES	No	LOWELL, NICHOLAS	No	RAVENS JR, FRED	-	YOUNG, ROBERT	No
ELDER, FRANCIS	Yes	LOWELL, VICTORIA	Yes	RAVENS, CATHERINE	-	ZAVALA, JAY	No
ELDER, KATHRYN	Yes	LUTHER, HERBERT	No	REBELLO, JUDITH	-	ZWEIG, RONALD	No
ESTES, NATHANIEL	Yes	LYNCH SR, KEVIN	Yes	REILLY, SHANNON	-		
FAIRMAN-SILVA, SANDRA	No	LYNCH, BETTY	-	ROBBINS, LAURIE	-		
FENWICK, JUDITH	No	MAGNANI, JUDITH	Yes	ROGERS, DEBRA	Yes		

### **ARTICLE 23: Purpose .**

The purpose of this article is to phase out the use of polystyrene and expanded polystyrene foam.

#### **Intent .**

The production and use of polystyrene and expanded polystyrene foam also known as Styrofoam® has significant impacts on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste collection and recycling efforts; and requiring the use of millions of barrels of nonrenewable, polluting, fossil fuel nationally for their manufacture.

#### **SECTION 1.**

#### **Definitions**

**"Disposable Food Container "** means single-use disposable products used in the restaurant, food service, and food sales industries for serving, transporting, or packaging prepared, ready-to-consume, or uncooked food or beverages. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and utensils.

**"Establishment "** means any commercial business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items.

**"Food Establishment "** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code.

**"Polystyrene "** means and includes expanded polystyrene foam also known as Styrofoam® which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes clear or solid polystyrene, which is known as "oriented polystyrene".

**"Prepared Food"** means any food or beverage prepared for consumption on the food provider's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

## SECTION 2.

### **Use regulations.**

Establishments within the Town of Falmouth shall be prohibited from:

- (1) dispensing food to customers in or
- (2) distributing to customers

disposable polystyrene food ware. Existing stock of polystyrene shall be phased out within six (6) months of adoption of this article. Any remaining stock shall be disposed of properly by the establishment.

## SECTION 3.

### **Effective Date**

Except as provided herein, the prohibition of dispensing or distribution of polystyrene and expanded polystyrene foam by all establishments shall be phased in over a period of six (6) months from the effective date of this article.

## SECTION 4.

### **Jurisdiction**

Selectmen shall promulgate regulations for the enforcement of the foregoing section, which regulations shall provide for fines not to exceed one thousand dollars for any single violation and for deferments, in accordance with the following:

A. Upon written application to the health department or its designee, and upon showing by the food establishment that the conditions of this provision would cause undue hardship, the municipal health department or its designee or its designee may defer application of this provision for a food establishment **for a one year period. An "undue hardship" shall mean a situation unique to the food establishment where** there are no reasonable alternatives to the use of polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that establishment.

B. The application for a deferment shall include all information necessary for the health department or its designee to make its decision, including but not limited to, documentation showing the factual support for the claimed deferment. The health department or its designee may require the applicant to provide such additional information that it reasonably deems necessary to render a decision.



C. The health department or its designee may approve the deferment application, in whole or in part, with or without conditions.

## SECTION 5.

### **Administration and enforcement.**

This article may be enforced by any Town police officer, enforcement officers or agents of the Board of Health through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21 D and appropriate chapter of the Town's General By-laws. If noncriminal disposition is elected, then any establishment which violates any provision of this article shall be subject to the following penalties:

- First offense: fine of fifty dollars (\$50) and two (2) hours of community service.
- Second offense: fine of one hundred dollars (\$100) and four (4) hours of community service.
- Third and subsequent offense fine of two hundred dollars (\$200) and eight (8) hours of community service.
- Subsequent offenses shall be determined as offenses occurring within two (2) years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one (1), each condition violated shall constitute a separate offense.

On petition of J. Malcolm Donald.

**VOTED:** By an electronic roll call vote of 126 in favor and 61 in opposition, a quorum being present on Wednesday, November 14, 2018 the Town voted to amend the General Bylaws by inserting the following section regarding the prohibition of expanded polystyrene foam.

#### Article IV

#### § 191-31 Purpose and intent.

The production and use of expanded polystyrene (EPS) foam, also known as Styrofoam®, has significant impacts on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion; contributing to pollution of the land and coastal environment; clogging storm drainage systems; creating a burden to solid waste collection by acting as a major contaminant in curbside recycling; and requiring the use of millions of barrels of nonrenewable fossil fuel for manufacture.

With the goal of protecting the health of its citizens and the unique natural beauty and irreplaceable natural resources of the Town of Falmouth, and given that inexpensive, safe alternatives to expanded polystyrene (EPS) foam are easily obtained, the Town will phase out the use of expanded polystyrene foam over a period of six (6) months from the effective date of this Bylaw in order to allow time for establishments to use their existing inventory and to convert to alternative materials.

#### § 191-32 Definitions.

“Expanded Polystyrene Foam” shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam, sometimes called Styrofoam®, a Dow Chemical Co. trademark), which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques.

“Expanded Polystyrene (EPS) Foam Disposable Food Service Containers” shall mean single-use disposable products for serving or transporting food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to plates, cups, bowls, trays, and hinged or lidded containers.

“Food Establishments” shall mean any operations, including, without limitation, restaurants, convenience stores, grocery stores, delicatessens, food trucks, schools, farmers’ markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw.

“Retail Establishments” shall mean any commercial business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food services establishments.

“Public Venues” shall mean operations including, but not limited to meeting halls, religious institutions, Town offices, the Senior Center, Recreation Department, Library, and the Falmouth Public Schools.

#### § 191-33 Use regulations.

Expanded polystyrene foam disposable food service containers and new polystyrene loose-fill packaging shall not be used or sold by food establishments, retail establishments, and/or public venues within the Town of Falmouth on or after a period of six (6) months from the effective date of this Bylaw. Any stock remaining after six (6) months from the effective date of this Bylaw shall be accepted for disposal free of charge at the Falmouth Solid Waste Management Facility.

This Bylaw shall not apply to:

1. Loose-fill polystyrene foam packaging reused from shipments originating outside Falmouth
2. Items in original manufacturer’s packaging
3. Polystyrene foam freezer chests

#### § 191-34 Administration and enforcement.

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L.c.40, Section 21D (NOTE: MA General Law) and the appropriate chapter of the General Bylaws of the Town of Falmouth. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense:	\$50 fine
Second Offense:	\$100 fine
Third Offense:	\$200 fine

Offenses occurring within two years of the date of prior reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15 (NOTE: MA General Law), may suspend or revoke the food service permit for any Establishment failing to comply with this Bylaw.

#### § 191-35 Severability

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

AFONSO, PHILIP	-	FERNANDES, DYLAN	-	MAGUIRE, DEBORAH	No	ROGERS, DEBRA-LEE	-
AGUIAR, DEBORAH ANN	-	FERREIRA, RUSSELL	-	MALGERI, DAMIAN	-	ROGERS, FLANNERY	Yes
ALVES, A JOHN	-	FINNELL, MARGARET	No	MANCINI, MARK	No	ROGERS, RICHARD	-
ALWARDT, MARY ELLEN	Yes	FINNERAN, MARC	Yes	MARNELL, JAMES	Yes	ROTHSTEIN, PAMELA	Yes
ANTONUCCI, ROBERT	Yes	FITZELLE, ALBERT	Yes	MARTIN, DAVID	Yes	ROWITZ, RAY	Yes
ASENDORF, MARTHA	Yes	FLYNN, MARY PAT	Yes	MARTIN, DENNIS	Yes	SACCHETTI, RICHARD	No
AUGUSTA, SUSAN	No	FOREMAN, KENNETH	Yes	MARTIN, HELEN	No	SALTER, C DIANE	-
BAKER, ROBERT	Yes	FUNFAR, BARRY	-	MARTIN, MICHAEL	No	SALTER, DAVID	Yes
BAKER, STEPHEN	-	GEISHECKER III, FRANK	Yes	MARTINHO, JOSEPH	-	SCANLON, DEBORAH	Yes
BARRY, MARY	No	GILLIS, MARTHA	Yes	MASE, ROSE	No	SCHNEIDER, BARBARA	Yes
BENNETT, JOANNA	Yes	GIRARD, LOIS	Yes	MASSI, LOUIS	No	SCHNEIDER, GARY	Yes
BENNETT, SCOTT	Yes	GORDON, HELEN	Yes	MCCAFFREY JR., CHARLES	-	SCHUMACHER, ROBERT	Yes
BIDWELL, TODD	Yes	GOULART, RICHARD	No	MCCLUSKEY, JEAN	Yes	SCHWALBE, KAREN	Yes
BISSONNETTE, KAREN	Yes	GUTHRIE, BEN	No	MCDONALD, DAVID	-	SCJLITZ, RONALD	Yes
BORDEN, MARGARET	Yes	HADDAD SR., DAVID	-	MEDEIROS, TERRI ANN	No	SELLERS, PAUL	No
BRADLEY, RICHARD	No	HANNEY, NICHOLAS	-	MINCER, TRACY	-	SHEARER, DANIEL	Yes
BRAGA, MEGAN	Yes	HARGRAVES, KAREN	Yes	MORAN, SUSAN	No	SHEARER, DOUGLAS	No
BRAZIER, RUTH	Yes	HARGRAVES, PETER	Yes	MORANO, PATRICIA	Yes	SHEPHARD, SUSAN	Yes
BRODEUR, JEFFREY	Yes	HARRIS, CHARLOTTE	Yes	MORSE, JAMES	-	SIEGAL, DEBORAH	Yes
BROWN, DOUGLAS	Yes	HARRIS, MARY	Yes	MURPHY SR, JAMES	-	SIMPKINS, GRACE	-
BUCKLEY, DONNA	-	HERBST, RALPH	Yes	MURPHY, CAROL	-	SMITH SR., BRENDAN	-
BUESSELER, KENNETH	Yes	HOFFER, DONALD	-	MURPHY, KEVIN	-	SMITH, SUSAN	No
BUESSELER, WENDI	Yes	HOFFER, STEFANIE	No	MURRAY, KATHLEEN	-	SMOLOWITZ, RONALD	No
BUSHY, JR, THOMAS	Yes	HOULE, LOUISE	-	MUSTAFA, AHMED	Yes	STECHEK, BERNARD	Yes
CALI, FAY	No	HUNT JR., H. CARTER	No	NETTO JR, JOHN	-	STEVENS, HENRY	Yes
CALKINS-MARTIN, PATRICIA	No	HURST, DONNA	Yes	NETTO, JOSEPH	Yes	SWAIN, BRENDA	Yes
CALLAHAN, JAMES	Yes	HYATT, JASON	-	NICKERSON, BRIAN	Yes	SWAIN, CHARLES	Yes
CAREY, ROSEMARY	Yes	JAKUBA, RACHEL	Yes	NIELSEN JR., PETER	No	SWAIN, MARY	-
CIARLETTA, BETH	Yes	JENSEN, AILEEN	-	NIEMEYER, MISTY	Yes	SWAIN, RICHARD	-
CLARK, PETER	Yes	JOHNSON, LEONARD	Yes	NOONAN, DONNA	-	SYLVIA, GAIL	Yes
COLLINS III, JOHN	Yes	JOHNSON, PATRICIA	Yes	NOONAN, JOHN	-	SZUPLAT, MARGARET	Yes
COLLINS, LINDA	Yes	JONES, CLAYTON	Yes	OBRIEN BUMPUS, CATHERINE	Yes	THOMAS, JEFFREY	Yes
CONNOLLY, ANNE	-	JONES, DOUGLAS	No	OCONEILL, MAUREEN	No	THORROLD, ANDREA	Yes
COOK, PETER	Yes	KANELLOPOULOS, BARBARA	Yes	OFFINGER, CATHERINE	No	THRASHER, SCOTT	No
COOL, ANNIE	-	KANELLOPOULOS, PAUL	No	OPPENHEIM, JEFFREY	Yes	TOBEY, LINDA	Yes
CUMMINGS, JAMES	-	KAPP, PAUL	Yes	OSTROFF, ANN-BETH	Yes	TOMPKINS, JACQUES	-
CUNY, SANDRA	No	KASPARIAN, MICHAEL	-	PACHECO-TARANTO, KELLY	-	TURKINGTON, ERIC	No
DAVIS, LINDA	-	KAVANAGH, KEVIN	Yes	PALANZA, MEGHAN	No	VALIELA, VIRGINIA	No
DAWSON, SYREL	Yes	KEEFE, BRIAN	Yes	PALMER, LEAH	Yes	VALLEY, TARA	Yes
DAY, PHYLLIS	No	KEEFE, MELISSA	Yes	PALMER, MICHAEL	No	VENDITTI, ELLEN	No
DEAN, ANNIE	No	KELLEY, HEATHER	-	PANISH, BARRY	-	VIEIRA, DAVID	-
DEWEES, ANNE	Yes	KENDALL, RICHARD	Yes	PATEL, SARAV	No	VIEIRA, JAMES	Yes
DONAHUE, JAMIE	-	KENNEDY, HELEN	No	PATRICK, MATTHEW	Yes	VOGEL, WENDY	No
DONAHUE, ROBERT	Yes	KETCHUM, PAUL	Yes	PATTERSON JR, SAMUEL	No	WAASDORP JR, PETER	-
DONALD, J MALCOLM	Yes	KINNEY, J MICHAEL	Yes	PECK, WILLIAM	-	WAGGETT, TRACEY	Yes

DORRIS, WEATHERLY BARNARD	-	KIRWIN, AILEEN	Yes	PERRY, JANICE	-	WALKER, CHARLES	Yes
DREYER, PAUL	No	KLATTENBERG, RONALD	-	PERRY, NATALIE	Yes	WALRATH, THOMAS	No
DUBOIS, DAVID	Yes	KOWALSKI, TIM	No	PETERS JR., WILLIAM	Yes	WATERBURY, JOHN	Yes
DUFFANY, MICHAEL	Yes	LARUFFA, CINDY	Yes	PETERSON, LAURA LORUSSO	Yes	WEBBER, GINA	No
DUFFANY, TODD	Yes	LATIMER, RICHARD	Yes	PETERSON, THOMAS	Yes	WELCH, KELLY	Yes
DUFRESNE, ADRIAN	No	LEATHERS, ELLEN	Yes	POHLMAN, ALYSSA	Yes	WEYMOUTH, DONALD	No
DUFRESNE, ALICE	No	LEMAY, HERVEY	No	POLLONI, PAMELA	No	WHEELER, ERIC	No
DUGAN, HARRIET	Yes	LICALSI, MARK	Yes	POTAMIS, GERALD	No	WHITEHEAD, LINDA	Yes
DUGAN, ROBERT	No	LICHTENSTEIN, LESLIE	Yes	PRATT, KIRA	-	WILLIAMS, CHERYL	No
DYER, RONALD	No	LITTLE, MARY	-	PRICE, ESTHER	Yes	WILSON, ANDREA	Yes
DYNAN, WILLIAM	Yes	LONG, SARAH	Yes	PUTNAM, REBECCA	No	WINOGRAD, DEBORAH	Yes
EASTMAN JR, CHARLES	Yes	LOWELL, NICHOLAS	No	RAVENS JR, FRED	-	YOUNG, ROBERT	Yes
ELDER, FRANCIS	Yes	LOWELL, VICTORIA	Yes	RAVENS, CATHERINE	-	ZAVALA, JAY	No
ELDER, KATHRYN	Yes	LUTHER, HERBERT	No	REBELLO, JUDITH	-	ZWEIG, RONALD	Yes
ESTES, NATHANIEL	Yes	LYNCH SR, KEVIN	No	REILLY, SHANNON	-		
FAIRMAN-SILVA, SANDRA	Yes	LYNCH, BETTY	-	ROBBINS, LAURIE	-		
FENWICK, JUDITH	No	MAGNANI, JUDITH	Yes	ROGERS, DEBRA	Yes		

**ARTICLE 24:** To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts General Court a petition for a special act, as follows:

AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO ESTABLISH RANKED-CHOICE VOTING.

### Section I

- 1) **Office elected by ranked-choice voting** . "Office elected by ranked-choice voting" means any of the following offices: Selectmen, Town Clerk and includes any nominations by primary election to such offices.
- 2) **Definition** . "Ranked-choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.
- 3) For offices elected by ranked-choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one write-in candidate among that voter's ranked choices for each office.
- 4) How tabulated. The Town Clerk shall tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot. For offices elected by ranked-choice voting, the Town Clerk shall tabulate the votes according to the ranked-choice voting method described in section II-A. The Town Clerk shall tabulate the votes that appear by an election return to have been cast for a declared write-in candidate and shall tabulate the votes that appear to have been cast for an undeclared write-in candidate based on a recount requested and conducted pursuant to Massachusetts recount rules.

### Section II

#### Determination of winner in election for an office elected by ranked-choice voting

1. **Definitions** . As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
  - A. **"Batch elimination"** means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
  - B. **"Continuing ballot"** means a ballot that is not an exhausted ballot.
  - C. **"Continuing candidate"** means a candidate who has not been defeated.

- D. **"Exhausted ballot"** means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking.
- E. **"Highest continuing ranking"** means the highest ranking on a voter's ballot for a continuing candidate.
- F. **"Last-place candidate"** means the candidate with the fewest votes in a round of the ranked-choice voting tabulation.
- G. **"Mathematically impossible to be elected,"** with respect to a candidate, means either:
  - (1) The candidate cannot be elected because the candidate's vote total in a round of the ranked-choice voting tabulation plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or
  - (2) The candidate has a lower vote total than a candidate described in subparagraph (1).
- H. **"Overvote"** means a circumstance in which a voter has ranked more than one candidate at the same ranking.
- I. **"Ranking"** means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number 2 is the next-highest ranking and so on.
- J. **"Round"** means an instance of the sequence of voting tabulation steps established in subsection 2.
- K. **"Skipped ranking"** means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

2. **Procedures** . Except as provided in subsections 3 and 4, the following procedures are used to determine the winner in an election for an office elected by ranked-choice voting. Tabulation must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.

- A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.
- B. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins.

3. **Ties**. A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round must be decided by lot, and the candidate chosen by lot is defeated. The result of the tie resolution must be recorded and reused in the event of a recount. Election officials may resolve prospective ties between candidates before the election.

4. **Modification of ranked-choice voting ballot and tabulation** . Modification of a ranked-choice voting ballot and tabulation is permitted in accordance with the following.

- A. The number of allowable rankings may be limited to no fewer than 6.
- B. Two or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.

5. **Effect on rights of political parties** . For all statutory and constitutional provisions in the State pertaining to the rights of political parties, the number of votes cast for a party's candidate for an office elected by ranked-choice voting is the number of votes credited to that candidate after the initial counting in the first round described in subsection 2.

## SUMMARY

This article provides ranked-choice voting for Town of Falmouth offices of Selectmen, Town Clerk. Ranked-choice voting is a method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.

On petition of J. Malcolm Donald.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, November 14, 2018 the Town voted Indefinite Postponement.

**ARTICLE 25:** To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth so as to extend the Business 3 District by rezoning from Residential B to Business 3 that portion of the land at 289 Old Main Road shown on the Falmouth Assessors Map 05A 04 004 000 (the "Premises") currently zoned Residential B, so that the Premises in its entirety shall be zoned Business 3. Said Premises are further described in a deed recorded with the Barnstable County Registry of Deeds in Book 31446, Page 190. See attached Exhibit A for legal description of the Premises.

Exhibit A

Legal Description - 289 Old Main Road, North Falmouth, MA 02556

Beginning at a point on the Easterly side of the Old State Highway so called in North Falmouth where the described premises adjoin land nor or formerly of Robert W. Leatherbee being the Southwesterly corner of said described premises, said point of beginning Northwesterly 90/100 feet from a stone bound there located;

Thence Southerly 49° 50' by said land nor or formerly of Robert W. Leatherbee and by land now or formerly of Clifford L. Hubbard a distance of two hundred seventy and 22/100 (270.22) feet to a point indicated by a stone bound at land now or formerly of Mary Ella Nye:

Thence Northerly 47° 22' East by land of said Mary Ella Nye one hundred five and 46/100 (105.46) feet to a point indicated by a stake located at land of Susan G. Spencer (now or formerly);

Thence Northerly 49° 21' West by said Spencer land a distance of two hundred eighty-six and 01/100 (286.01) feet to the Old State Highway at a point indicated by a stone bound there located;

Thence Southerly 38° 45' West by said Old State Highway, one hundred seven and 13/100 (107.13) feet to point of beginning.

For title reference, see deed recorded with Barnstable County Registry of Deeds Book 31446, Pag 190. On petition of Kevin P. Klauer, II.

**VOTED:** By a declared failed majority vote, a quorum being present on Wednesday, November 14, 2018 the Town voted not to pass Article 25.

**ARTICLE 26:** To ask the Town to create a Solid Waste Division within the Department of Public Works headed by a Solid Waste Manager/Superintendent. On petition of the Solid Waste Advisory Committee.

**VOTED:** By an electronic vote of 97 in favor and 77 in opposition , a quorum being present on Thursday, November 15, 2018 the Town voted not to pass Article 26.

**ARTICLE 27:** Shall Town Meeting vote to authorize the use of a second water meter at properties in sewer service areas for irrigation and other outside water uses? The second water meter would be paid for by property owner, installed by the town and billed at the non sewer rate. Or take any other action on this matter. On petition of Marc Finneran.

**VOTED:** By a declared failed majority vote, a quorum being present on Thursday, November 15, 2018the Town voted not to pass Article 27.

**ARTICLE 28:** To see if the Town will vote to transfer a sum of \$11,900 from free cash for ALICE training for no less than 20 persons within the Falmouth Public Schools and Police Department, under the guidance of Falmouth Police Chief and Falmouth Public Schools Superintendent.  
On petition of Michael G. Heylin.

**VOTED:** By a declared failed majority vote, a quorum being present on Thursday, November 15, 2018 the Town voted not to pass Article 28.

**ARTICLE 29:** To see if the Town will vote to approve the hiring of three (3) new Police Officers within the Falmouth Police Department for the fiscal year beginning July 1, 2019, and further, to raise and appropriate and/or transfer a sum of money from taxation, free cash, the Stabilization Fund, or other available source to fund said positions, or take any other action in relation thereto.  
On petition of Michael G. Heylin.

**VOTED:** By a declared failed majority vote, a quorum being present on Thursday, November 15, 2018 the Town voted not to pass Article 29.

**ARTICLE 30:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to construct a pedestrian bridge and wetland walkway at Swift's Crossing, Coonamessett Greenway Heritage Trail and Gateway Park; to determine how the same shall be raised and by whom expended, or do or take any action on the matter.  
On request of the Community Preservation Committee.

**VOTED:** By a declared majority vote, a quorum being present on Thursday, November 15, 2018 the Town voted to appropriate the sum of \$ 260,270 from FY 2019 Community Preservation Revenues to construct a pedestrian bridge and wetland walkway at Swift's Crossing, Coonamessett Greenway Heritage Trail and Gateway Park; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article.

**ARTICLE 31:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Affordable Housing Fund, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter.  
On the request of the Community Preservation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to appropriate or transfer the sum of \$ 770,000 of which \$480,000 is from the Community Housing Reserve and \$290,000 is from the Community Preservation Undesignated Fund Balance to the Falmouth Affordable Housing Fund. Funds are to be expended in accordance with the Guidelines for the Falmouth Affordable Housing Fund.

**ARTICLE 32:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Open Space Reserve Account, and to determine how the same shall be raised, or do or take any other action on the matter.  
On the request of the Community Preservation Committee.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 13, 2018 the Town voted to appropriate or transfer the sum of \$400,000 of which \$140,000 is from FY 2019 Community Preservation Revenues and \$260,000 is from the Community Preservation Undesignated Fund Balance to the Land Bank Debt Reserve Account to fund conservation land acquisition debt service payment obligations beyond FY 2020.