

Annual Town Meeting May 4th rescheduled to June 22 by the Board of Selectmen - postponed to July 8th, postponed to July 27, 2020 (FY21) by the Moderator due to COVID-19 pandemic and held at Whitman- Hanson Regional High School JV baseball field outside at 6:00 p.m.

The Annual Town Meeting was called to order at 6:01 p.m. by Moderator Michael M. Seele. He asked for the count of voters. Lieutenant Christine May-Stafford announced the count of the voters present was 165, constituting the quorum requirement of 50 voters. The meeting pledged allegiance to the flag and Pastor Crystal Gardner of the United Methodist Church gave the invocation. A moment of silence was held for deceased Town employees who died in 2019. Town Clerk Dawn M. Varley swore in the following tellers: Lawrence Roache, 26 Acorn Rd., Anne Mason-Colby, 209 Washington Ter., Martina M. Herman, 62 Tobin Ter. and Robert P. Glover, 35 Crescent St. The Warrant and three public Declarations were then read by the Town Clerk. Moderator Seele went over the rules governing town meeting. Moderator Seele acknowledged the Finance Committee on their service to the town.

Moderator Seele welcomed Board of Selectmen Chairman Mr. Kowalski to the podium to address the voters. Dr. Kowalski spoke about the difficult times and that it took courage and commitment for the voters to come and make choices for the regional school District, the 50/50 compromise and the Middle School feasibility study. He recalled a passage by Oscar Mink detailing how life is about managing change. The key to life is found in the Wizard of Oz and how it took a Brain, a Heart and Courage to manage change. He implored the voters to use their brain, follow their heart and act with courage. He also wanted to recognize and thank Town Administrator Frank Lynam for all his years of strength and dedication he has provided the town and that he will surely miss him.

Moderator Seele welcomed Finance Committee Chairman Rick Anderson to the podium to address the voters. Mr. Anderson acknowledge the difficult job the moderator has to find members to serve on this committee. Mr. Anderson truly believe he has assemble a diverse group of individuals that have served this town better than any before it. He stated that tonight the town has some difficult work before them. Ultimately the decisions that chart the course Whitman is going to take is yours.

At 6:22 p.m. Moderator Seele took a short recess for voters to review the warrant. Town Meeting resumed at 6:30 p.m.

Article 1

The Town voted UNANIMOUSLY to bring in their vote for the following Town Officers: One Moderator for Three Years; One Town Treasurer/Collector for Three Years; Two Selectmen for Three Years; One Assessor for Three Years; Two PK-12 Whitman-Hanson Regional School District Committee Members for Three Years; Two Department of Public Works Commissioners for Three Years; Two Public Library Trustees for Three Years; One Whitman Housing Authority Member for Five Years; One Planning Board Member for Five Years; One Board of Health Member for Three Years; and to choose all other necessary officers.

The polls for the election of officers will be opened in said Town Hall at nine o'clock in the forenoon on said Saturday, the 16th day of May, 2020, and kept open until five o'clock in the evening. Both of which days will constitute the Annual Meeting and this call is issued in accordance with the vote of the Town passed January 29, 1902.

Proposed by the Board of Selectmen

The following Articles are requests that pertain to the current Fiscal Year budget (7/1/2019 to 6/30/2020) and the Article numbers are preceded with a 'P'; these articles are expenditures or approvals that take effect immediately on vote.

Article P-1

The Town voted UNANIMOUSLY to appropriate \$ 20,000 from free cash to reimburse the Whitman-Hanson Regional School District for the construction of a parking lot at the rear of the Duval Elementary School or take any other action relative thereto.

Proposed by the Whitman-Hanson Regional School District School Committee
Buildings, Facilities and Capital Expenditures Committee Recommends this Article
Finance Committee voted 9-0 to recommend

Article P-2

The Town voted UNANIMOUSLY to appropriate \$ 45,000 from free cash to reimburse the Whitman-Hanson Regional School District for the installation of a chairlift at the Duval Elementary School or take any other action relative thereto.

Proposed by the Whitman-Hanson Regional School District School Committee
Buildings, Facilities and Capital Expenditures Committee Recommends this Article
Finance Committee voted 9-0 to recommend

Article P-3 Article Withdrawn. Will be line item or reserve fund transfer

Article P-4

The Town voted UNANIMOUSLY to appropriate \$15,000 from free cash to engage a consultant to advise the Board of Selectmen in developing a multi-year strategic operating plan or take any other action relative thereto.

Proposed by the Board of Selectmen
Finance Committee voted 9-0 to recommend

Article P-5.

The Town voted UNANIMOUSLY to approve the \$850,000 borrowing authorized by the Whitman Hanson Regional School District for the purpose of paying costs of a feasibility study to understand the best solution to the physical and educational deficiencies of the Whitman Middle School, located at 100 Cortwell Avenue, Whitman, Massachusetts, including all costs incidental and related thereto (the "Study") said amount to be expended under the direction of the Whitman Middle School Building Committee, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Motion:. That the Town hereby approves the \$850,000 borrowing authorized by the Whitman Hanson Regional School District for the purpose of paying costs of a feasibility study to understand the best solution to the physical and educational deficiencies of the Whitman Middle School, located at 100 Cortrell Avenue, Whitman, Massachusetts, including all costs incidental and related thereto (the "Study") said amount to be expended under the direction of the Whitman Middle School Building Committee, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. The amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. Finance Committee voted unanimously to recommend

**Motion was made and seconded to take article 7 out of order.
The town voted UNANIMOUSLY to take article 7 out of order**

Article 7

The Town voted UNANIMOUSLY as amended to accept and approve the proposed amendment to the 1991 Regional Agreement of the Whitman-Hanson Regional School District (the "District") which has been submitted to the, Whitman-Hanson Regional School District School Committee, and voted by the School Committee on July 15, 2020, as it may be amended up until the date of Town Meeting, a copy of the current version is on file at the Town Clerk's Office as well as being posted on-line at <https://www.whitman-ma.gov/297/Town-Meeting-Warrants> (the "Proposed Amendment"), provided however that this vote of the Town to accept and approve the Proposed Amendment shall be subject to and contingent upon the satisfaction of the following conditions: (1) the Town of Hanson, as the other Member Town of the District shall, by vote of annual or special Town Meeting held on or before September 30, 2020, accept and approve the Proposed Amendment, and (2) the Town of Hanson, as the other Member Town of the District, shall, by vote of annual or special Town Meeting held on or before September 30, 2020, approve the FY2021 budget adopted by the School Committee for the District as voted at the School Committee's meeting held on May 18, 2020 (the "FY2021 School Budget"), which approval may be by the appropriation of sufficient funds to pay the certified assessment from the District to the Town of Hanson in connection with such FY2021 School Budget; or to take any other action relative thereto.

Proposed by the Board of Selectmen and the Whitman-Hanson Regional School District School Committee. Finance Committee voted 8-1 to oppose this article.

Article P-6

The Town voted UNANIMOUSLY to appropriate \$54,806 from Sewer-Water Retained Earnings to purchase and equip a K-3500 4x4 Truck or take any other action relative thereto.

Proposed by the Board of DPW Commissioners. Finance Committee voted 9-0 to recommend.

Buildings, Facilities and Capital Expenditures Committee Recommends this Article.

Finance Committee voted unanimously to recommend

Article P-7

- A. The Town voted UNANIMOUSLY to create a Reserve For Purchase Ambulance Account, and to appropriate \$150,000 from the FY 20 Reserve for Appropriation Ambulance Receipts Account to be transferred to said account for the future purchase of an ambulance for the Fire Department, and,
- B. The Town voted UNANIMOUSLY to appropriate \$100,000 from the FY 2020 Reserve for Appropriation Ambulance Receipts Account to pay for repairs to the Aerial Ladder Truck or take any other action relative thereto.

Proposed by the Chief of the Fire Department. Buildings, Facilities and Capital Expenditures Committee Recommends this Article. Finance Committee voted unanimously to recommend.

Article P-8 WITHDRAWN

Article P-9

The Town voted UNANIMOUSLY to appropriate \$8,627.48 from Free Cash to pay for cost to microfilm fourteen years (2006-2019) of Town Records recorded with the Office of the Town Clerk or take any other action relative thereto.

Proposed by the Town Clerk. Finance Committee voted unanimously to recommend.

Note: Records include Births, deaths, marriages, the Official Record Book and relative indexes.

Article P-10

The Town voted UNANIMOUSLY to appropriate \$ 130,741.77 from free cash to pay debt incurred in connection with the purchase of the Town’s Street Lights or take any other action relative thereto.

Proposed by the Board of Selectmen. Finance Committee voted 6-1-1 to recommend.

Article P-11 – PASSED OVER

To see if the Town will vote to appropriate \$ 46,000 from Free Cash to be added to budget line 224 – Veterans Benefits of the May 6, 2019 Annual Town Meeting or take any other action relative thereto.

Proposed by the Town Administrator. Finance Committee voted 9-0 to recommend.

The following Articles are approvals and appropriations that are effective on July 1, 2020, for the Fiscal Year beginning on July 1, 2020 and ending June 30, 2021:

Article 2

To determine how much money the Town will raise and appropriate for General Government, Protection of Persons and Property, Health and Sanitation, Public Works, Veterans’ Benefits, Education, Library, Recreation and Unclassified, specifying what appropriations shall be taken from the receipt of a department, or take any action relative thereto.

Proposed by the Board of Selectmen with recommendations by the Finance Committee

The following Line Items were questioned: **175, 410**. All other line items were voted UNANIMOUSLY.

Moved to Amend Article 2, line 175 to read Fifteen Million Three Hundred Sixty Seven Thousand Three Hundred Ninety Two (\$ 15,367,392) Dollars.

The Town voted UNANIMOUSLY to amend.

The town Voted UNANIMOUSLY to Accept Article 2, Line 175 as amended.

Article 2, Line 410 – The town voted UNANIMOUSLY to accept as presented

Article 3

The Town voted UNANIMOUSLY to authorize spending limits for Fiscal Year 2021 for the following revolving accounts approved under the Town’s by-laws, or take any other action relative thereto:

Revolving Account	\$ Spending Limit
Animal Control	5,000
Council on Aging	10,000
Library Fines and Fees	20,000
Passport and Photo Fees	3,000
Planning Board	75,000
Police Department	20,000
Recreation Department	40,000

Proposed by the Town Administrator. Finance Committee voted unanimously to recommend.

Article 4

The Town voted UNANIMOUSLY to amend the Town Departmental Revolving Funds by-law by adding to section 5 Authorized Revolving Funds:

A. Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements /Reports	G Fiscal Years
Street Lighting Receipts	Street Lighting	Fees for Lighting and Insurance Claims	Expenditures Related to Street Lighting	None	None	Fiscal Year 2021 and Subsequent Years

And to limit spending from this account to \$7,000 annually or take any other action relative thereto. Proposed by the Board of Selectmen. Finance Committee voted unanimously to recommend.

Article 5

The Town voted UNANIMOUSLY to appropriate \$521,421 from Sewer-Water Enterprise Revenue to pay for Indirect Costs to the General Fund, such payment to reduce the amount of money raised through taxation for the Fiscal Year 2021 budget, or take any other action relative thereto.

Proposed by the Board of Selectmen. Finance Committee voted unanimously to recommend.

Article 6

The Town voted UNANIMOUSLY as AMENDED to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, that the amount of such surcharge on real property shall be 1% of the annual real estate tax levy against real property commencing in fiscal year 2022 and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualified for low income housing or low or moderate income senior housing in the Town as defined in Section 2 of said Act, and \$100,000 of the value of each taxable parcel of residential real property. The purpose of the Act is for the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or

created as provided under said Act; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

Proposed by the Board of Selectmen.

Finance Committee voted four in favor and four against.

Article 7 – Voted Unanimously to take out of order

Administration

Article 8

The Town voted UNANIMOUSLY to appropriate \$640,302 from the FY 2020 Reserve for Appropriation Ambulance Receipts Account and to appropriate \$133,702 from available free cash, said funds to be used to reduce the amount of money to be raised by taxation for fiscal year 2021, or take any other actions relative thereto.

Proposed by the Board of Selectmen. Finance Committee voted 7-0-1 to recommend.

Article 9

The Town voted UNANIMOUSLY to appropriate \$15,000 from free cash to pay for costs to engage a consultant to assist in conducting a search/selection of a Town Administrator or take any other action relative thereto.

Proposed by Board of Selectmen. Finance Committee voted unanimously to recommend.

Article 10

The Town voted UNANIMOUSLY to petition our representative to the General Court to file legislation to rescind Chapter 103 of the Acts of 1990, An Act Establishing a Revolving Fund to Apply Motor Vehicle Fines to Police Department Expenses and Salaries, so that monies received from motor vehicle fines on or after July 1, 2020 will be deposited in the General Fund of the Town of Whitman or take any other action relative thereto.

Proposed by the Board of Selectmen; Finance Committee voted unanimously to recommend.

Article 11

The Town voted UNANIMOUSLY to rescind its prior authorization to maintain a Reserve for Appropriation Ambulance Account and close any funds remaining in the account after appropriations made at the June 22, 2020 Annual Town Meeting to the General Fund, and discontinue reserving said funds for appropriation, or take any other action relative thereto.

Proposed by the Board of Selectmen. Finance Committee voted unanimously to recommend.

Debt Payment

Article 12

The Town voted UNANIMOUSLY to appropriate \$2,788.20 from the Reserve for Appropriation Title 5 Loans Account to make Fiscal Year 2021 debt payments, with any balance remaining from this appropriation at fiscal year-end to be returned to said account, or take any other action relative thereto.

Proposed by the Town Treasurer-Collector. Finance Committee voted unanimously to recommend.

Public Safety

Article 13

The Town voted UNANIMOUSLY as amended to appropriate \$ 18,425 from the fiscal Year 2020 Reserve for Appropriation Motor Vehicle Fine Account to purchase a Harley Davidson motorcycle for police use or take any other action relative thereto.

Proposed by the Chief of Police

Buildings, Facilities and Capital Expenditures Committee recommends this article.

Finance Committee voted unanimously to recommend.

Article 14

The Town voted in the MAJORITY to appropriate \$63,000 from free cash to purchase a marked police cruiser or take any other action relative thereto.

Proposed by the Chief of Police

Buildings, Facilities and Capital Expenditures Committee Recommends this Article

Finance Committee voted unanimously to recommend.

Article 15

The Town voted in the MAJORITY as amended to appropriate \$9,231 from the fiscal year 2020 Reserve for Appropriation Motor Vehicle Fine Account to purchase six (6) Tasers for use by the police department or take any other action relative thereto.

Proposed by the Chief of Police. Finance Committee voted unanimously to recommend.

Article 16

The Town voted in the MAJORITY as amended to appropriate \$2,980.02 from the fiscal year 2020 Reserve for Appropriation Motor Vehicle Fine Account to purchase six (6) shotguns to upgrade current police department armament, or take any other action relative thereto

Proposed by the Chief of Police. Finance Committee Voted unanimously to recommend.

Technology

Article 17

The Town voted UNANIMOUSLY as amended to transfer \$10,000 from the fiscal year 2020 Reserve for Appropriation Motor Vehicle Fine Account to purchase a new centralized voice recorder for the police and fire department or take any other action relative thereto.

Proposed by the Director of Technology, Police Chief, and Fire Chief

Buildings, Facilities and Capital Expenditures Committee Recommends this Article.

Finance Committee voted unanimously to recommend.

Article 18

The Town voted UNANIMOUSLY to appropriate \$29,980 from free cash to license and implement software for Electronic Permitting or take any other action relative thereto.

Proposed by the Director of Technology and the Building Commissioner.

Buildings, Facilities and Capital Expenditures Committee Recommends this Article

Finance Committee voted unanimously to recommend.

Capital Articles

Article 19

The Town voted UNANIMOUSLY to appropriate \$132,745 from free cash to purchase and equip a 2020 35,000 lb. G.V.W. Truck cab and chassis with snowplow or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners

Buildings, Facilities and Capital Expenditures Committee Recommends this Article

Finance Committee voted unanimously to recommend.

Article 20

The Town voted UNANIMOUSLY to appropriate \$355,055 in available Chapter 90 funds for the purpose of resurfacing and/or installing surface treatments, install sidewalks, and paint lines on various Town streets, or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners

Buildings, Facilities and Capital Expenditures Committee Recommends this Article

Finance Committee voted unanimously to recommend.

Article 21

The Town voted UNANIMOUSLY to appropriate \$100,000 from free cash for the purpose of resurfacing and /or installing surface treatments and line painting to various Town Streets or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners

Buildings, Facilities and Capital Expenditures Committee Recommends this Article

Finance Committee voted 8-1 to recommend

Article 22

The Town voted UNANIMOUSLY to appropriate \$50,000 from Sewer-Water Enterprise Retained Earnings to conduct a feasibility/ design study for building and equipping a DPW Facility to replace the existing Town barn or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners

Buildings, Facilities and Capital Expenditures Committee Recommends this Article

Finance Committee voted unanimously to recommend.

Article 23

The Town voted UNANIMOUSLY to appropriate \$50,685 from free cash to purchase and equip a 2020 Chevrolet K3500 utility body 4x4 truck with snowplow or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners

Buildings, Facilities and Capital Expenditures Committee Recommends this Article

Finance Committee voted unanimously to recommend.

Article 24

The Town voted UNANIMOUSLY to transfer \$ 57,000 from free cash to make the following repairs/improvements to the Fire Station:

Task/Project	Estimated Cost
Repair hose tower and convert to office space	\$ 29,000
Repair concrete at entryway, replace entry door & latches	17,000
Relocate ice machine	1,000
Interior painting of building	10,000

or take any other action relative thereto.

Proposed by the Fire Chief.

Buildings, Facilities and Capital Expenditures Committee Recommends this Article.

Finance Committee voted unanimously to recommend

Whitman Elementary Schools

Article 25

The Town voted UNANIMOUSLY to appropriate \$35,000 from free cash to replace / repair the sidewalks at the Conley and Duval Elementary Schools, and the Whitman Middle School or take any other action relative thereto.

Proposed by the Whitman-Hanson Regional School District School Committee Buildings, Facilities and Capital Expenditures Committee Recommends this Article
Finance Committee voted unanimously to recommend

Article 26

The Town voted UNANIMOUSLY to appropriate \$160,000 from free cash to purchase and install generators at the Conley and Duval Elementary Schools or take any other action relative thereto.

Proposed by the Whitman-Hanson Regional School District School Committee
Finance Committee voted 8-0-1 to recommend

Regional School District

Article 27

The Town voted UNANIMOUSLY to appropriate \$21,000 from free cash to reconfigure the existing Whitman-Hanson Regional High School Guidance and Counseling areas or take any other action relative thereto.

***Explanation:** The reconfiguration of the existing Whitman-Hanson Regional High School Guidance and Special Education Counseling areas will create a cohesive and efficient suite that will streamline student scheduling and services. The connection between these two areas will make a positive impact on the Social-Emotional well-being of the Whitman-Hanson Regional High School student body.*

***Estimated cost:** \$ 21,000 (60% of total cost)*

Proposed by the Whitman-Hanson Regional School District School Committee Buildings, Facilities and Capital Expenditures Committee Recommends this Article
Finance Committee voted unanimously to recommend this article.

Article 28 Telephone System – Withdrawn

Article 29

The Town voted UNANIMOUSLY to approve a one year collective bargaining agreement between the Town and Local 1769 International Association of Firefighters, AFL-CIO, and to appropriate \$59,889 from the Reserve for Appropriation Ambulance Receipts Account (FY 2020 Receipts) to fund the cost items of the collective bargaining agreement, or take any other action relative thereto.

Proposed by the Board of Selectmen. Finance Committee voted unanimously to recommend.

Article 30

The Town voted UNANIMOUSLY as amended to approve a one year collective bargaining agreement between the Town and the Whitman Public Library Employees SEIU, Local 888, and to appropriate \$ 4,216 from free cash to fund the cost items of the collective bargaining agreement, or take any other action relative thereto.

Proposed by the Board of Selectmen

Article 31

The Town voted UNANIMOUSLY as amended to approve a one year collective bargaining agreement between the Town and the Whitman Police Association, I.B.P.O., Local 609, and to appropriate \$ 50,420 from free cash to fund the cost items of the collective bargaining agreement, or take any other action relative thereto.

Proposed by the Board of Selectmen.

Finance Committee will make recommendation at Town Meeting

Article 32

The Town voted UNANIMOUSLY as amended to approve a one year collective bargaining agreement between the Town and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Local 1700, and to appropriate \$ 11,580 from free cash to fund the cost items of the collective bargaining agreement, or take any other action relative thereto.

Proposed by the Board of Selectmen

Finance Committee will make recommendation at Town Meeting

Article 33

The Town voted UNANIMOUSLY as amended to approve a one year collective bargaining agreement between the Town and the Office and Professional Employees International Union, Local 6, AFL-CIO and to appropriate \$ 28,309 to fund the cost items of the collective bargaining agreement or take any other action relative thereto.

Proposed by the Board of Selectmen

Finance Committee will make recommendation at Town Meeting

Article 34

The Town voted UNANIMOUSLY to appropriate \$219,322.68 from the Reserve for Appropriation Cable Access Account to fund PEG access services in accordance with MGL C44 §53F¾ or take any other action relative thereto.

Note: This article appropriates funds generated by access fees assessed by Comcast on cable bills to Whitman subscribers to provide local cable access programming.

Proposed by the Board of Selectmen. Finance Committee voted 7-0-1 to recommend

By-Law Additions

Article 35

The Town voted IN THE MAJORITY to amend Article XX of the Town’s General By-Laws by inserting after Section 4b the following section:

Section 5. No person shall be appointed to or serve on any Town board, commission or committee unless such person resides in the Town or establishes and maintains residency within the Town within one year of appointment. Any person serving as a member of a board, commission or committee who, during the term of office for which appointed, ceases to be a resident of the Town, shall immediately be deemed to have vacated such membership. The provisions of this bylaw shall not apply to ex-officio members or non-voting members. Any non-resident members of a board, commission or committee holding such membership at the time this bylaw becomes effective shall be exempt until the expiration of the member’s current term or to take any action relevant thereto.

Proposed by the Board of Selectmen

Article 36 – PASSED OVER due to change in Federal Regulations

To see if the Town will vote to amend the Town’s Protective Zoning By-Law by striking subsection 7-4, Flood Plain and Watershed Protection Districts, in its entirety and inserting in place thereof a new subsection 7-4, Floodplain and Watershed Protection Districts, to read as follows, or take any action relative thereto:

7-4 FLOODPLAIN DISTRICT AND WATERSHED PROTECTION DISTRICT:

A) Statement of Purpose

- 1) The purposes of the Floodplain District are to:
 - a) Ensure public health and safety through reducing the threats to life and personal injury;
 - b) Eliminate new hazards to emergency response officials;
 - c) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
 - d) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
 - e) Eliminate costs associated with the response and cleanup of flooding conditions; and,
 - f) Reduce damage to public and private property resulting from flooding waters.
- 2) The purposes of the Watershed Protect District are to:
 - a) Preserve, protect, and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety.
 - b) Assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

B) District Boundaries

- 1) Floodplain District Boundaries and Base Flood Elevation Data:
 - a) The Floodplain District is herein established as an overlay district to all other districts. The Floodplain District includes all special flood hazard areas within the Town of Whitman designated as Zone A, AE, AH, AO, A99, V, and/or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of Plymouth County FIRM that are wholly or partially within the Town of Whitman are panel numbers: 25023C0177J, 25023C0178J, 25023C0179J, 25023C0183J, 25023C0187J, 25023C0191J dated July 17, 2012 and panels 25023C0181K and 25023C0184K dated July 22, 2020. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance

Study (FIS) report dated July 22, 2020. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission and Board of Health.

2) The Watershed Protection District is herein established as an overlay district to all other districts. The Watershed Protection District includes:

- a) All areas designated as Qs and/or Q1 on the Flood Plain and Watershed Protection District Map dated May 1, 1973;
- b) One hundred (100) feet horizontally landward from any bank of the Schumatuscacant River and the Meadow Brook and all their respective tributaries; and,
- c) One hundred (100) feet horizontally landward from the 100-year flood elevation of the Schumatuscacant River and the Meadow Brook and all their respective tributaries, or whatever is the greater distance of a) or b) above.

C) *Base Flood Elevation and Floodway Data*

- 1) Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

D) *Notification of Watercourse Alteration*

In a riverine situation, the Building Commissioner or the Board of Appeals shall notify the following of any alteration or relocation of a watercourse:

- 1) Adjacent Communities
- 2) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- 3) NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

E) *Use Regulations*

- 1) All development in the Floodplain District and/or Watershed Protection District, including structural and non-structural activities, whether permitted by right or by special permit must

be in compliance with Section 40 of Massachusetts General Laws Chapter 131, and with the following:

- a) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and,
- d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

- 2) In the Floodplain District and Watershed Protection District, the applicable use and other provisions of the Zoning By-Law shall continue in force, subject to all the provisions of this Subsection 7-4.
- 3) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Plymouth County FIRM or Flood Boundary and Floodway Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 4) All subdivision proposals in the Floodplain District and/or Watershed Protection District must be designed to assure that:
 - a) Such proposals minimize flood damage;
 - b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and,
 - c) Adequate drainage is provided to reduce exposure to flood hazards.
- 5) Existing contour intervals of site and elevations of existing structures must be included on any plan proposal.

F) *Permitted Uses*

- 1) In the Floodplain District and Watershed Protection District, no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling or transfer of trash, garbage, junk, used or waste materials or scrap shall be permitted; no dumping, filling or transfer of gravel, sand, loam, earth or other material shall be permitted; nor shall any land, building or structure be used for any purposes unless a Special Permit has been issued by the Board of Appeals created under Section 12 of this Zoning By-Law, and after a hearing with due notice given as provided by Section 4 of Massachusetts General Laws

Chapter 40A.

- 2) The Board shall issue a permit stating the conditions under which said building may be erected or placed in the Floodplain District and/or Watershed Protection District as provided below.
- 3) The following uses of low flood damage potential are encouraged provided they are permitted in the underlying district, cause no obstructions to flood flows, and do not require structures, fill, or storage of materials or equipment:
 - a) Agricultural uses, including farming, grazing, truck farming, horticulture, gardening and/or harvesting of crops;
 - b) Forestry and/or nursery uses;
 - c) Outdoor recreational uses, including fishing, boating, play areas, nature studies, and/or hunting where otherwise legally permitted;
 - d) Conservation of water, plants, and/or wildlife;
 - e) Wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow of water of any water course;
 - f) Public or private golf courses;
 - g) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, and/or sale of crops raised on the premises; and,
 - h) Buildings lawfully existing prior to the adoption of these provisions, subject to Section 4 of this Zoning By-Law.

G) *Permit Procedure*

- 1) Any person desiring to undertake an action described in Subsection 7-4.F.3 above within the Floodplain District and/or Watershed Protection District, shall submit six (6) copies of an application for a permit to the Town Clerk, who shall transmit five (5) copies of it within forty-eight (48) hours to the Board of Appeals, who in turn shall transmit one (1) copy to each of the following within forty-eight (48) hours: Board of Health, Department of Public Works, Conservation Commission and Planning Board. The application shall be accompanied by plans of the building or structure and of the premises on which it is to be situated. Such plans shall conform to the requirements of the Town of Whitman Rules and Regulations Governing Subdivision of Land and the Procedures of the Planning Board, as may be amended from time to time.
- 2) No permit shall be issued by the Board of Appeals until a report or reports with recommendations by the Planning Board and the Conservation Commission have been received, or until forty-five (45) days have elapsed from the date of submission in the absence of such report or reports. The failure of the Board of Appeals to act within seventy-five (75) days from the date of submission shall constitute approval thereof, or such further time as may

be agreed upon at the written request of the applicant.

- 3) The Board of Appeals shall issue a permit under this Subsection 7-4 if it finds that the use of the premises will not endanger the health, safety and general welfare of the occupants thereof, the public generally or other land or buildings. In deciding applications for a permit under this Subsection 7-4, the Board shall be satisfied:
 - a) That the basement floor level shall be above the elevation of the nearest Floodplain District and/or Watershed Protection District boundary;
 - b) That other land shall be protected against detrimental or offensive uses of the premises, and that no sewerage effluent shall be disposed into a Floodplain District or Watershed Protection District;
 - c) That safe vehicular and pedestrian movement to, over and from the premises shall be provided over ways having an elevation above the nearest Floodplain District and/or Watershed Protection District boundary;
 - d) That the methods of drainage of the area covered by the permit are adequate under normal and flood conditions to maintain the flow below the nearest Floodplain District and/or Watershed Protection District boundary;
 - e) That the methods by which the premises are filled or otherwise elevated, as may be required, will assure that the premises are free from danger to the health or safety of the occupants thereof, the public generally or of other land or buildings, and shall not adversely affect the natural function of the District as a floodplain and water retention area;
 - f) That the land is not subject to seasonal or periodic flooding;
 - g) That the portion of any lot within a Floodplain District and/or Watershed Protection District used to meet the area and yard requirements for the underlying district in which the remainder of the lot is situated, does not exceed twenty-five percent (25%) of the required minimum lot area of the underlying District; and,
 - h) That any development or encroachment (including fill) in the regulatory floodway will not result in any increase in the flood level during flood discharge.
- 4) Nothing contained in this Subsection 7-4 shall limit the authority of the Board of Health with respect to premises in the Floodplain District and/or Watershed Protection District or affect the applicability of the State Building Code to any building in the Floodplain District and/or Watershed Protection District.
- 5) Nothing contained in this Subsection 7-4 shall limit the applicability of Section 40 of Massachusetts General Laws Chapter 131. The Board of Appeals, where appropriate shall condition the issuance of a permit required under this Subsection 7-4 upon an approval under Section 40 of Chapter 131.

H) *Definitions Applicable To Subsection 7-4*

The following definitions shall apply only to terms as used in this Subsection 7-4. These definitions shall supplement but not replace the general definitions set forth in Section 2 of this Zoning By-Law. To the extent there is any irreconcilable conflict between such definitions, in which case the definitions set forth in this Subsection 7-4.H shall control. Zone designations and/or definitions for purposes of Subsection 7-4 shall not affect zone designation Short Names set forth in Subsection 3-1.

100-YEAR FLOOD - see BASE FLOOD.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, and/or VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or

storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure shall not be built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

NEW CONSTRUCTION, for floodplain management purposes, means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community. **NEW CONSTRUCTION**, for insurance coverage purposes, means structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated on an FHBM or FIRM as Zone A, A1-30, A99, AE, AH, AO, V, V1-30, and/or VE.

STRUCTURE, for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation, and further includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

ZONE A means the 100-year floodplain area where the base flood elevation has not been determined. To determine the base flood elevation, use the best available federal, state, local, or other data.

ZONE A1-30 and **ZONE AE** (for new and revised maps) means the 100-year floodplain area where the base flood elevation has been determined.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain area with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE B, **ZONE C**, and **ZONE X** are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE V1-30 and **ZONE VE** (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

Stabilization Funds

Article 37

The Town voted UNANIMOUSLY as amended to transfer \$ 300,000 from free cash to be added to the Town Capital Stabilization Account or take any other action relative thereto.

Proposed by the Finance Committee and Town Administrator

Article 38 – PASSED OVER

To see if the Town will vote to raise and appropriate or transfer a sum of money to be added to the Town Technology Stabilization Account or take any other action relative thereto.

Proposed by the Finance Committee and Town Administrator

Article 39

The Town voted UNANIMOUSLY as amended to transfer \$ 200,000 from free cash to be added to the Town (General Fund) Stabilization Account or take any other action relative thereto.

Proposed by the Finance Committee and Town Administrator

**The July 27, 2020 Annual Town Meeting adjourned at 8:09 pm.
There were 421 total voters checked off of the voting list.**

A TRUE RECORD, ATTEST:

WHITMAN TOWN CLERK