

## Minutes for the Annual Town Meeting held May 6, 2019

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Gymnasium to vote on the following articles with actions as noted. The Moderator called the meeting to order at 7:10 p.m. with a quorum of 207 voters present. The Town Clerk read the call of Town Meeting.

Articles 1 through 7.

A motion was made and seconded by the Board of Selectmen to approve articles 1 – 7 as printed in the warrant and that the sum of **\$2,200** be raised and appropriated for Article 1; that the sum of **\$12,000** be transferred from free cash for Article 5; that the sum of **\$18,000** be transferred from free cash for Article 6; and that **\$87,656** be raised and appropriated for Article 7 so that the articles read as follows:

Article 1. To raise and appropriate **\$2,200** for Greenhead Fly Control as authorized by G.L. C.252 §24, and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Article 2. To assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts.

Article 3. To accept the provisions of G. L. C.71, §16B, which would reallocate the sum of member towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, for fiscal year 2020.

Article 4. To set FY20 spending limits for the revolving funds as follows: Recreation – Bottles & Cans **\$10,000**, Home Composting Bin/Recycling **\$1,200**, Vehicular Fuel Sales **\$35,000** and Council on Aging/Lower Cape Adult Day Center **\$12,500**.

Article 5. To transfer from free cash the sum of **\$12,000** from FY19 Hotel Motel Excise Tax (free cash so called), in accordance with Annual Town Meeting Article 26, May 4, 1998, to the Eastham Promotions Fund to be expended by the Visitors Services Board on the following items: Landscaping, lighting, holiday decorations and general improvement on Windmill Green \$3,500, Flower Island support \$500, and Summer concerts \$8,000.

Article 6. To transfer from free cash the sum of **\$18,000** to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth.

Article 7. To fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41, General Laws, as amended, and to raise and appropriate or transfer from available funds the following sums of money for salaries:

Moderator	\$ 500
Town Clerk	\$74,656
Selectmen (5) 2,500 each	<u>\$12,500</u>
<b>Total</b>	<b>\$87,656</b>

Articles 1-7 passed - majority vote declared by Moderator  
Count: 368 Yes 7 No

Article 8. A motion was made and seconded by the Board of Selectmen to transfer from free cash the sum of \$43,416 to pay FY18 prior year unpaid bill and \$43,389 for the FY19 current year bill for a total of **\$86,805** in order to pay the Tri-Town pension liability for the costs of retirees shared by Eastham, Orleans & Brewster, billed late.

Passed – 4/5<sup>th</sup> majority vote declared by Moderator  
Count: 369 Yes 10 No

Article 9. A motion was made and seconded by the Board of Selectmen to transfer from Free Cash, the sum of **\$106,000** to the following accounts; **\$25,000** to the Fire Vehicle Repair Expense Line; **\$40,000** to the Data Processing Expense Line; **\$16,000** to the Veteran’s Services Expense Line; **\$15,000** to the Bank Charges Expense Line; and **\$10,000** to the Tax Lien Legal Line.

Passed – majority vote declared by Moderator  
Count: 370 Yes 9 No

Article 10. A motion was made and seconded by the Board of Selectmen to transfer from free cash the sum of **\$50,000** to purchase and install fiber optic cable, radio repeaters and phone call boxes to provide needed communication in case of emergency to Eastham beaches with low or non-existent cellphone signal to improve emergency response to those beaches; and to purchase ER kits, supplies and improved signage.

Passed – 4/5<sup>th</sup> majority vote declared by Moderator  
Count: 371 Yes 15 No

Article 11. A motion was made and seconded by the Board of Selectmen to transfer from free cash the sum of **\$25,000** to assist the Eastham 400 Commemoration Committee in preparing programs, special events, and other related expenses for the commemoration of the first landing; and further that said funds shall be authorized to be spent by the Board of Selectmen.

Passed – majority vote declared by Moderator  
Count: 338 Yes 46 No

Article 12. A motion was made and seconded by the Board of Selectmen to set the operating budget at **\$30,741,731** as printed in the warrant, and to meet this expenditure, to raise and appropriate and use estimated receipts totaling **\$30,178,931**; and transfer from the Ambulance Receipts Reserved Fund **\$450,000** to Line 32 Fire Salaries; transfer from the Septic Loan Betterment Fund **\$20,400** to Line 80 Debt Expense; transfer from the Windmill Receipts Reserved Fund **\$1,000** to Line 75 Beach Salaries; transfer from the Government Media Access Fund **\$65,000** to Line 14 IT Department Salary; transfer from the Waterway Improvement Fund **\$2,000** to Line 20 Natural Resources Salary, transfer from the Library Trustee Fund **\$24,400** to Line 72 Library Salaries; and further transfer from Free Cash (dog receipts) an additional **\$2,500** to Line 73, Library Expense.

A motion was made and seconded to amend Article 12 by removing line item 48

Motion to amend failed to pass majority vote

Count: 57 Yes 321 No

Main motion passed – declared by Moderator

Count: 361 Yes 20 No

Article 13. A motion was made and seconded by the Board of Selectmen to appropriate **\$949,500** and to meet this appropriation, raise and appropriate **\$107,000**; transfer from Free Cash **\$742,500**; transfer from the Ambulance Receipts Reserved Fund **\$50,000**; transfer from the Government Media Access Fund **\$50,000**, for the purposes of acquiring the items and undertaking the improvements as printed in the warrant.

Passed – majority vote declared by Moderator

Count: 361 Yes 12 No

Article 14. A motion was made and seconded by the Board of Selectmen in accordance with the requirements of the Town of Eastham Home Rule Charter Section 6-6A to accept the Capital Improvement Plan for FY20-FY25, as printed in the warrant; except to reduce line 26 Trailer for Carolina Skiff in FY22 to **\$2,500**.

Passed – majority vote declared by Moderator

Count: 357 Yes 12 No

Article 15. A motion was made and seconded by the Board of Selectmen that **\$950,000** is appropriated for costs associated with continuation of the wastewater engineering & study for traditional and non-traditional systems for watershed protection of Salt Pond and the Nauset Estuary/Town Cove, working towards a Targeted Watershed Management Plan, including all costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow **\$950,000** and to issue bonds and notes therefor pursuant to M.G.L. Chapter 44, Sections 7, Clause 1, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Passed – 2/3 majority vote declared by Moderator

Count: 344 Yes 31 No

Article 16. A motion was made and seconded by the Board of Selectmen to amend the Eastham General Bylaw **Article I, Chapter 90, Delinquent Taxpayers**, with underlined text to be inserted and ~~strikethrough~~ text to be deleted, as follows:

§ 90-1 Authority to deny license or permit.

In accordance with the provisions of MGL, c. 40, § 57, as amended, the Town may deny any application for, or revoke or suspend a building permit, or any local license or permit, including renewals and transfers, issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of MGL c. 40, § 21D, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected to pay any local taxes, fees, assessments, betterments or any other municipal charges.

§ 90-2 List of delinquent taxpayers.

The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "tax collector," shall annually and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the Appellate Tax Board.

§ 90-3 Denial, revocation or suspension of license or permit.

The licensing authority may deny, revoke or suspend any license or permit which it has the authority to issue, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector as required by applicable provisions of law and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

§ 90-4 Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said

agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 90-5 Waivers.

The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

§ 90-6 Exemptions.

As limited by MGL c. 40, § 57, this bylaw shall not apply to licenses and permits for the following: open burning, bicycles permits, sales of articles for charitable purposes, children work permits, clubs and associations dispensing food or beverage, dog licenses, fishing, hunting, trapping licenses, marriage licenses, and theatrical events, public exhibition permits.

Passed – majority vote declared by Moderator  
Count: 354 Yes 15 No

Article 17. A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw, **Section IX Intensity Regulations, Subsection D.5 Residential Lot Intensity** by inserting the following language:

6. Any interior changes to existing framed structures where alterations will not result in changes to the exterior of the building footprint or visible changes to the site are exempt from site plan review.

Passed – 2/3 majority vote declared by Moderator  
Count: 365 Yes 13 No

Article 18. A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw, **SECTION XII – ADMINISTRATION** by reformatting the section and inserting the following language with underlined text to be inserted and ~~striketrough~~ text to be deleted, as follows:

**B. SPECIAL PERMITS**

1. Special Permits shall only be issued after a public hearing; which shall be held within 65 days after the filing of a special permit application with the Town Clerk, or special permit granting authority as may be required under Chapter 808 of the Acts of 1975, as amended. ~~The Planning Board shall be the Special Permit Granting Authority for Site Plan Approval.~~<sup>134</sup>
2. ~~C.~~ All special permits shall lapse three (3) years from date of issue unless construction or operation under said permit has commenced. All rights authorized by a variance shall be exercised within one (1) year of the date of grant of such variance. If a matter is under court appeal, a special permit or variance shall be deemed issued on the date that a final court determination enters in the case.

~~C.F.~~ **OUTSIDE CONSULTANTS**

1. ~~The Planning Board when sitting as a~~ A Special Permit Granting Authority may impose a reasonable fee on the applicant for the employment of outside consultants. Upon the selection of an outside consultant by majority vote of the ~~Planning Board, Special Permit Granting Authority~~ the applicant has 30 days to appeal the selection to the Board of Selectmen pursuant to the grounds set forth in M.G.L. Chapter 44, Section 53G.

D. ENFORCEMENT

1. This bylaw shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be posted in a conspicuous place on the premises.
2. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined not more than \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.
3. Noncriminal Disposition process. Violations of the zoning bylaw provisions may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the Building Commissioner, or his or her designee. The option of noncriminal disposition shall exist in addition to all other available enforcement alternatives.
4. The enforcement officer who takes cognizance of a violation of the bylaw subject to this noncriminal disposition process and who elects, as an alternative to criminal process, to proceed with noncriminal enforcement, shall give the offender a written notice to appear before the clerk of the Orleans Division of the District Court Department at any time during office hours, but not later than twenty-one (21) days after the date of such notice.

Each day during which a violation of a zoning bylaw provision continues shall be deemed to be a separate offense subject to the noncriminal disposition process.

~~D. This By law shall be enforced by the Building Inspector. The Building Inspector may resort to the Courts for injunctions or other appropriate remedies.~~

~~E. The penalty for violation of any provision hereof shall be a fine of not more than \$500.00 for each offense. Each violation and each day of violation shall constitute a separate offense, punishable by fine.~~

Passed – 2/3 majority vote declared by Moderator  
Count: 351 Yes 20 No

Article 19. A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw, Sections III, V, VIII, IX, X, XI, XIII and XVIII and appendix with underlined text to be inserted and ~~strikethrough~~ text to be deleted, as follows:

~~**DISTRICT C**—An area to serve the industrial needs of the community.~~

~~**DISTRICT D**—A retail sales and/or service area.~~

~~**NORTH EASTHAM OVERLAY DISTRICT I<sup>1</sup>**—An area overlying Districts A, C and D and a portion of District E, available for optional village style mixed use development, and as shown on the map entitled “Overlay District Vision Study” dated February 20, 2014 rev. March 5, 2014.~~

**DISTRICT I<sup>2</sup> – EASTHAM CORRIDOR SPECIAL DISTRICT**

The purpose of the Eastham Corridor Special District (ECSD), as designated in Barnstable County Ordinance 17-12, is to enhance and protect the character of Eastham’s commercial areas, encourage mixed-use development, support and enhance the economy in North Eastham, improve bicyclist and pedestrian safety and access along the Route 6 corridor, minimize traffic conflicts and improve access management throughout the District, expand opportunities for creation of affordable

housing, and adopt best management practices to manage nutrients discharged through stormwater within the District.

And to further amend

**SECTION III – DEFINITIONS** by inserting the following language

Accessory Dwelling Unit (ADU): Shall be a separate housekeeping unit containing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Which may be incorporated within a lawful principal single-family dwelling or commercial structure or within a detached building accessory to and on the same lot as a lawful principal single-family dwelling or commercial structure which the ADU shall be clearly subordinate in design to that principal single-family dwelling.

And to further amend

**SECTION V - USES** as follows:

~~DISTRICT C—Manufacturing, assembling, processing, packaging, warehousing, storage and shipping of non-hazardous or non-toxic goods and materials; plumbing, electrical, carpentry or similar service and repair facilities; concrete batching plants; manufacturing of house framing, furniture and like products; repair shops for automobiles, trucks and marine equipment; contractors' yards; boat building, repairs and storage; rental of automobiles, trucks and trailers; wholesale bakeries; auction houses, kennels. Except as otherwise noted sales, retail or wholesale, shall be permitted so long as they are strictly incidental to the primary use and provided that a designated sales area, separate from the operational area, is maintained in order to provide for the protection and safety of customers. No residences shall be allowed.~~

~~Business band radio antennas are allowed in this district subject to the building height restrictions of these By Laws.~~

~~Any light industry or heavy industry not specifically permitted above may be permitted by a grant of a Special Permit from the Zoning Board of Appeals. Upon application for a Special Permit to the Zoning Board of Appeals, the Board shall conduct a public hearing on said application within sixty five (65) days after the filing of the application pursuant to Massachusetts General Laws, Chapter 40A, Section 9. A decision by the Zoning Board of Appeals based upon an application for a Special Permit shall be based upon an evaluation of all the evidence presented at the public hearing by the Petitioner and interested parties as it relates to the fulfillment of the spirit and intent of this By-law without substantial detriment to the public good or any neighborhood affected. Such permits may also impose conditions, safeguards, and limitations on the applied for use which are necessary to the fulfillment of the intent of this By-law without causing substantial detriment to the public good or to any neighborhood affected.~~

~~Adult uses as defined in Section II of this by-law may only be permitted by a grant of a special permit by the Zoning Board of Appeals.~~

~~**DISTRICT D**—Antique shops, craft and gift shops, hair styling and barber shops, offices, art galleries, banks, animal hospitals, kennels, funeral homes, nurseries and florists, fitness centers, lodges, retail stores and shops.—Residential apartments are allowed above businesses of a permitted nature provided such residences occupy no more than 50% of the structure.<sup>3</sup>~~

~~In any Convenience Store, as defined in Section II – Definitions, no food preparation or heating will take place on the premises except the preparation of hot beverages. All food is to be sold in sealed packages, with the exception of fresh produce~~

And to further amend

**SECTION VIII – PROHIBITED USES** as follows

The following uses shall be prohibited in the Town of Eastham in Districts A, B, ~~C, D~~, E, F, G and H.

And to further amend

**SECTION IX – INTENSITY REGULATIONS, SUBSECTIONS A.3 and A.4** as follows:

3. In Districts B, ~~C, D~~, and E, no business structure shall be built on a lot with an area of less than 40,000 square feet.

4. All lots in Districts A, B, ~~C, D~~, and E shall have frontage of at least 50 feet on an accepted public way, a way shown on a plan approved or endorsed in accordance with the subdivision control regulations or a way in existence when the subdivision control law became effective having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed land use. Panhandle lots shall have frontage of at least 40 feet on an accepted public way or private way as described above

And to further amend

**SECTION IX – INTENSITY REGULATIONS, by inserting immediately after the heading the following new subheading:**

See also SECTION V - DISTRICT I for setback requirements for properties located within the Eastham Corridor Special District.

And to further amend Section IX – Intensity Regulations, Subsection B.2 by deleting the text struck-through below as follows:

2. In Districts B, ~~D~~, and E, all new construction, including residential, commercial, or other, shall be set back a minimum of 100 feet from all ways. Side and rear setbacks shall not be less than twenty-five (25) feet.

And to further amend

**Section IX – Intensity Regulations, Subsection B.3** by deleting said subsection entirely as follows:

~~3. In District C, all new construction shall be set back a minimum of fifty (50) feet from all ways. Side and rear setbacks shall not be less than twelve (12) feet~~

And to further amend Section IX – Intensity Regulations, Subsection B.6 by deleting the text struck-through below as follows:

6. Setback requirements for detached accessory buildings used for any purpose, in Districts A, B, ~~C, D~~, E, G & H, regardless of when the lot was created, shall be

- a minimum separation of eight (8) feet between all buildings; and

- a minimum of twelve (12) feet and at least the maximum height of the accessory structure from the side and rear property lines; and
- thirty (30) from any street or way.

And to further amend

**SECTION X – PARKING REQUIREMENTS** by inserting immediately following the heading the following new subheading:

See also SECTION V - DISTRICT I for parking requirements for properties located within the Eastham Corridor Special District.

And to further amend

**SECTION XI – LANDSCAPING REQUIREMENTS** by inserting immediately following the heading the following new subheading:

See also SECTION V - DISTRICT I for properties located within the Eastham Corridor Special District (ECSD).

And to further amend

**SECTION XI – LANDSCAPING REQUIREMENTS** by revising the opening sentence as follows:

In Districts B, ~~C, D,~~ and E, excluding one (1) and two (2) family dwellings, the following landscaping standards shall be in effect:

And to further amend

**SECTION XIII – SITE PLAN APPROVAL – SPECIAL PERMIT** by inserting immediately following the heading the following new subheading:

See also SECTION V - DISTRICT I for properties located within the Eastham Corridor Special District (ECSD).

And to further amend

**SECTION XVIII – TOWN OF EASTHAM SIGN CODE** amending the table describing the type and size of permitted signs by deleting the section heading struck-through below and replacing them with the corresponding new zoning district section headings as follows:

- ~~District C Industrial-TP Trade Park~~
- ~~District D Retail Sales and Service~~
- District CC-Core Commercial
- District TC - Transition Commercial
- District LC -Limited Commercial
- District OF – Office Residential

And to further amend

**APPENDIX – ZONING DISTRICT BOUNDARIES** as follows:

**~~DISTRICT C:~~**<sup>4</sup>

~~Bounded on the north by the southerly lot line of Lots B41-1Y and BRC, the southerly and easterly lot lines of Lot B41-1B-4, and the southerly side line of Brackett Road; on the east by the westerly side line of the Cape Cod Rail Trail/former Penn Central Railroad right of way; on the south by the southerly lot line of B41-6B & T; and on the west by the westerly lot line of Lots 41-6B and T, B41-6C, B41-1T, B41-U, B41-1AA, B41-1V-2, and from the northwest corner of Lot B41-1V-2 to the southwest corner of Lot B41-1Y and the point of beginning.~~

**DISTRICT D:**

~~EAST PORTION: Excluding land in District C above, bounded on the north by the north lot line of B32-4C, B32-5A and B32-6; on the east by the Cape Cod Rail Trail/former Penn Central Railroad right of way; on the south by Orchard Road, and on the west by Route 6.~~

~~WEST PORTION: Bounded on the north by the north lot line of B35, Lot NV29; on the east by Route 6; on the south by the south lot line of B41, Lot FS-1; and on the west by Massasoit Road, Oak Road, and the west lot lines of B35, Lots B35-12D, B35-12B, and B35-NV29;<sup>5</sup> and Lots EGB-B, EGB-C, EGB-1, EGD-2, EGB-3, and B40-4-1.~~

**DISTRICT I – EASTHAM CORRIDOR SPECIAL DISTRICT**

Shown on a map entitled “Eastham Corridor Special District (ECSD)” Adopted May 7, 2018  
Add boundary description from original DCPC

**GROUNDWATER PROTECTION DISTRICT**

Shown on a map entitled “Town of Eastham Groundwater Protection Overlay District” dated January 7, 2016

Passed – 2/3 majority vote declared by Moderator  
Count: 333 Yes No 20

Article 20. A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw, **Section VII-Accessory Uses, Subsection C Accessory Dwelling Units** by deleting it and replacing it with a new **Section VII-Accessory Uses** and inserting the following language with underlined text to be inserted and ~~struckthrough~~ text to be deleted, as follows:

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION VII ACCESSORY USES SUBSECTION C ACCESSORY DWELLING UNITS** by removing the section in its entirety and replacing it with the following:

**SECTION VII – ACCESSORY USES**

**C. Accessory Dwelling Units**

**1. Purpose**

- a. To diversify the types of housing available in the community and broaden housing opportunities for households of all income levels, ages and sizes.
- b. To encourage and support a stable and diverse year round community and a robust local workforce.

- c. To prevent the displacement of current Eastham residents and encourage the influx of new residents.
- d. To encourage a more efficient use of the Town’s housing supply and building stock while maintaining the character of the areas in which the Accessory Dwelling Units (ADUs) are located.

**2. Use Regulations:**

Y = Permitted Use    SP = Special Permit    X = Prohibited Use

	<u>District A Residential</u>	<u>District B Marina</u>	<u>District E Residential/ Limited Commercial</u>	<u>District F Seashore</u>	<u>District G Water Resource Protection</u>	<u>District H Wellhead Protection</u>
<u>ADU located on residential lot</u>	<u>Y</u>	<u>X</u>	<u>Y</u>	<u>SP</u>	<u>Y</u>	<u>X</u>
<u>ADU Located on commercial lot</u>	<u>SP</u>	<u>X</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>	<u>X</u>

<b>EASTHAM CORRIDOR SPECIAL DISTRICT (DCPC)</b>					
	<u>Core Commercial</u>	<u>Transition Commercial</u>	<u>Trade Park</u>	<u>Office Residential</u>	<u>Limited Commercial</u>
<u>ADU Located on residential lot</u>	<u>Y</u>	<u>Y</u>	<u>X</u>	<u>Y</u>	<u>Y</u>
<u>ADU Located on commercial lot</u>	<u>Y</u>	<u>Y</u>	<u>X</u>	<u>Y</u>	<u>Y</u>

- a. An Accessory Dwelling Unit (ADU) that conforms to the dimensional requirements of the Eastham Zoning Bylaw shall be permitted as a by right use accessory to a lawful single family dwelling.
- b. Nothing in this bylaw shall be construed as altering or preempting the provisions of District F (Seashore District). Owners of property located within Seashore District are advised to consult with representatives from Cape Cod National Seashore before seeking permits.

**3. Conditions and Requirements**

- a. For residential properties, only one Accessory Dwelling Unit (ADU) is permitted for each principal dwelling unit. The creation of an ADU in addition to an existing guest house located on the site is prohibited.

- b. The Accessory Dwelling Unit (ADU) shall be a separate housekeeping unit containing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- c. An Accessory Dwelling Unit (ADU) shall be clearly subordinate in use, size and design to the principal structure on the site. An ADU shall be designed so that, to the maximum extent feasible, the appearance of the property on which it is to be located remains consistent with the principal structure/use on the site and the privacy of abutting properties is maintained.
- d. An Accessory Dwelling Unit (ADU) does not require a minimum acreage of buildable upland.
- e. The Accessory Dwelling Unit (ADU) shall contain no more than two bedrooms. The total number of bedrooms allowed on the subject site shall be limited to the number permitted under Eastham Board of Health regulations and 310 CMR 15.00 - The State Environmental Code, Title 5.
- f. Accessory Dwelling Units shall not be larger than 1200 square feet or fifty percent of the site coverage of the principal dwelling, whichever is smaller. The Zoning Board of Appeals may grant a Special Permit for an Accessory Dwelling Unit exceeding fifty percent of the site coverage of the principal dwelling unit where such unit will not exceed 1200 square feet.
- g. At least one (1) off-street parking space in addition to that required for the principal structure/use is required for each Accessory Dwelling Unit (ADU).
- h. An Accessory Dwelling Unit (ADU) may not be conveyed separate and apart from principal dwelling on the lot, nor shall the principal dwelling and the ADU be converted to condominium form of ownership.
- i. Either the accessory dwelling unit or the principal dwelling to which it is accessory shall be rented and/or leased on a year-round basis. At no time shall both the principal dwelling and the accessory dwelling be rented and/or leased simultaneously for a period of less than twelve (12) consecutive months.

#### **4. Regulatory Review Requirements**

##### **a. Zoning Board of Appeals Approval**

##### **1. Special Permits**

A Special Permit from the Zoning Board of Appeals is required in the following instances:

- The subject property is preexisting non-conforming to the use, lot size or dimensional setback requirements of the Eastham Zoning Bylaw.

- The proposed Accessory Dwelling Unit (ADU) will result in the increase to a pre-existing non-conformity.
- The proposed Accessory Dwelling Unit (ADU) will exceed fifty percent of the site coverage of the principal dwelling unit.
- The subject property is located within the Seashore District.

The Zoning Board of Appeals shall review the proposed Accessory Dwelling Unit (ADU) utilizing the criteria listed under Zoning Bylaw Section VI.D – Non-Conforming Uses.

## 2. Variances

- Accessory Dwelling Units (ADUs) shall not be eligible for zoning use variances, or for dimensional variance relief proposing to increase the allowable number of ADUs on a lot.

### b. Planning Board Approval

#### 1. Site Plan Approval – Residential (Residential properties all zoning districts)

Site Plan Approval is required if the proposed Accessory Dwelling Unit (ADU) meets the criteria under Zoning Bylaw Section IX.D – Residential Lot Intensity.

- The Planning Board shall review the proposed Accessory Dwelling Unit (ADU) utilizing the standards and criteria listed under Zoning Bylaw Section XIV.F – Site Plan Approval – Residential.

#### 2. Site Plan Approval – Special Permit (Commercial properties in District E)

Site Plan Approval - Special Permit is required if the proposed Accessory Dwelling Unit (ADU) meets the criteria under Section XIII.B – Projects Requiring Site Plan Approval – Special Permit.

- The Planning Board shall review the proposed Accessory Dwelling Unit (ADU) utilizing the standards and criteria listed under Zoning Bylaw Section XIII – Site Plan Approval – Special Permit.

#### 3. Accessory Dwelling Units within the Eastham Corridor Special District:

Minor Site Plan, Major Site Plan or Special Permit approval is required if the proposed Accessory Dwelling Unit (ADU) meets the criteria under Section V.I - Eastham Corridor Special District.

- The Planning Board or in the case of Minor Site Plan Approval, its designee shall review the proposed Accessory Dwelling Unit (ADU) utilizing the standards and criteria listed under Section V.I. – Eastham Corridor Special District.

## **5. Building and Health Compliance**

- a. The construction of an Accessory Dwelling Unit (ADU) must be in conformity with the Massachusetts State Building Code, the Eastham Board of Health Regulations, including Section III. A. - Rental of Premises to be Used for Human Habitation, the State Environmental Code 310 CMR 15.0 and Massachusetts Housing Code 105 CMR 400 and must be lawful under all other provisions of applicable federal, state and local laws and regulations.

## **6. Monitoring and Enforcement:**

- a. Prior to the issuance of a Building Permit or a Special Permit, a certificate in the form of a notarized affidavit to verify that either the principal dwelling or the accessory dwelling unit will be rented and/or leased for a period of not less than twelve (12) consecutive months shall be submitted to the Building Commissioner.
- b. Use of an ADU shall require the filing of a Certificate of Registration with the Eastham Health Department. The owner shall thereafter renew the rental registration annually with the Eastham Health Department.
- c. A determination that the owner failed to comply with the provisions of this Bylaw shall be evidence that the rights and benefits conferred under the Building Permit, Special Permit, Site Plan Approval or Rental Registration were abandoned or otherwise surrendered and discontinued by the owner and all such rights and benefits shall lapse and the elements that make the accessory dwelling unit a separate dwelling unit shall be removed from the property within 90 days of said final determination, with the owner to comply with all requirements of the Massachusetts State Building Code, the Eastham Board of Health Regulations, the State Environmental Code 310 CMR 15.0 and Massachusetts Housing Code 105 CMR 400 and must be lawful under all other provisions of applicable state and local laws and regulations in removing all elements determined to be unpermitted. In addition, failure of the owner to comply with the provisions of this Bylaw shall be punishable by fine as established under Section XII.of the Eastham Zoning Bylaw which states that the penalty for violation of any provision hereof shall be a fine of not more than \$300.00 for each offense. Each violation and each day of violation shall constitute a separate offense, punishable by fine.

## **7. Amnesty:**

- a. In an effort to meet local housing needs, real property containing an accessory dwelling unit, as described in this Section, for which a validly-issued Variance, Special Permit, Building Permit, Occupancy Permit or Rental Certificate does not exist, may apply to the Building Department for an Occupancy Permit or the Special Permit Granting Authority for a Special Permit or to the Health Department for a Rental Certificate to continue legal use as an accessory dwelling unit. Amnesty shall not be granted unless the septic loading capacity for existing structure(s) and the existing approved septic flow for the property both comply with the requirements of the Eastham Board of Health regulations and 310 CMR 15.00 – The State Environmental Code, Title 5. Failure to comply with all pertinent State and local rules and regulations shall result in forfeiture of the accessory dwelling unit and/or the removal of the bedroom(s) causing exceedance to the approved septic flow capacity of the property.

- b. To qualify for amnesty under this Section, the unlawful accessory dwelling unit must be a single accessory dwelling unit that is accessory to a single-family dwelling or detached accessory structure and must have been in existence prior to the date of adoption of this bylaw. It shall be the burden of the applicant to prove to the Building Department in the case of by right and to Special Permit Granting Authority in the case of a Special Permit and/or the Board of Health for issues within the purview of the Board of Health that the unlawful apartment was in existence before that date.
- c. The amnesty provisions of this bylaw shall expire on and shall no longer be available after five years from the passage of this bylaw.

8. **Severability**

- a. If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected thereby.

Passed – 2/3 majority vote declared by Moderator  
Count: 324 Yes 50 No

Article 21. A motion was made and seconded by the Board of Selectmen to authorize the Board of Selectmen to petition the General Court for special legislation in order to authorize the town to appropriate money to provide low-interest loans to homeowners to connect to the town's public water system; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

AN ACT RELATIVE TO WATER CONNECTIONS IN THE TOWN OF EASTHAM.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**Section 1.** The Town of Eastham is hereby authorized to establish a water connection assistance program for property owners in the town in order to assist such owners to connect to the town's water distribution system. Said program shall be consistent with the terms and conditions as are provided for in chapter one hundred and eleven, section one hundred and twenty-seven B and one-half of the General Laws.

**Section 2.** Any costs incurred under the provisions of this section may be funded by an appropriation or issuance of debt, provided that any debt incurred shall be subject to the provisions of chapter forty-four and shall not exceed twenty years.

**Section 3.** Any appropriation or borrowing by the town for purposes contained within this section shall not be included for the purpose of computation of the levy or borrowing limits otherwise imposed upon the town by the general laws.

**Section 4.** An owner may petition the board of selectmen or other appropriate authority in charge of the town's water distribution system to enter into an agreement, subject to appropriation, authorizing the board of selectmen or other authority to cause the premises to be connected to the town's water distribution system. An owner who enters into such an agreement shall be responsible for all expenses incurred by the town, directly or indirectly, for such connection. A notice of such agreement shall be recorded as a betterment and be subject to the provisions of chapter eighty relative to the apportionment, division, reassessment and collection of assessment, abatement and collections of assessments, and to interest; provided, however, that for purposes of this section, such lien shall take effect by operation of law on the day immediately following the due date of such assessment or apportioned part of such assessment and such assessment may bear interest at a rate determined by the

town treasurer by agreement with the owner at the time such agreement is entered into between the board of selectmen and the property owner. In addition to remedies available under chapter eighty, the property owner shall be personally liable for the repayment of the total costs incurred by the town under this section; provided, however, that upon assumption of such personal obligation to a purchaser or other transferee of all of the original owner's interest in the property at the time of conveyance and the recording of such assumption, the owner shall be relieved of such personal liability.

**Section 5.** The board of selectmen may enact regulations to carry out the water connection assistance program that are within the general scope and intent of the Act.

**Section 6.** This Act shall take effect upon its passage.

Passed – majority vote declared by Moderator  
Count: 360 Yes 15 No

Article 22. A motion was made and seconded by the Board of Selectmen to authorize to acquire by purchase, gift, eminent domain, or otherwise, to be held by the Board of Selectmen for general municipal purposes, a parcel of land consisting of ten and 8/10 (10.8) acres, more or less, located at 4790 State Highway, Eastham, Barnstable County, Massachusetts and more accurately shown in a plan entitled, "Plan of Land in Eastham, Massachusetts, prepared for Angelo's Supermarkets, Inc." dated January 10, 1986 by Nickerson & Berger, Inc., and recorded with the Barnstable County Registry of Deeds in Book 410, Page 32 under such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town; and that the sum of **\$1,600,000** is appropriated for the acquisition, including all costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow **\$1,600,000** and to issue bonds and notes therefor pursuant to M.G.L. Chapter 44, Sections 7, Clause 1, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Passed – 2/3 majority vote declared by Moderator  
Count: 344 Yes 36 No

Article 23. A motion was made and seconded by the Board of Selectmen to transfer **\$175,184.32** from the Rock Harbor Dredge Project to the Nauset Estuary Dredge Project (Fund 3016) to be used to pay for expenses related to the permitting, engineering and study of the environmental impact of said project.

A motion was made and seconded to indefinitely postpone Article 23

Passed – majority vote as declared by Moderator  
Count: 208 Yes 131 No

Articles 24 through 26.

A motion was made and seconded by the Board of Selectmen to approve articles 24–26 as printed in the warrant so that the articles read as follows:

Article 24. To appropriate and transfer, pursuant to the provisions of G.L. C44B (6) from the FY20 estimated community preservation revenues to reserves in the following amounts: **\$85,588** open space purposes, **\$85,588** historic preservation purposes, **\$85,588** affordable housing purposes, **\$85,588**

active recreation purposes and **\$513,529**, to the FY20 Community Preservation budgeted reserves for appropriation for a total of **\$855,881** as recommended by the Community Preservation Committee.

Article 25. To transfer and appropriate **\$42,794** from the FY20 estimated Community Preservation revenues as allowed by law to cover administrative support expenses.

Article 26. To transfer from FY18 CPA Receipts **\$73,500** from Community Preservation Undesignated Fund Balance for the purpose of paying the debt payment for the Aschettino Land Purchase.

Articles 24-26 passed - majority vote declared by Moderator  
Count: 284 Yes 9 No

Article 27. A motion was made and seconded by the Board of Selectmen to transfer the sum of **\$7,500** from Community Preservation Affordable Housing Reserves to The Cape Community Housing Partnership for the purposes of funding the "Cape Housing Institute" and further to authorize the Board of Selectmen to enter into a grant agreement for this purpose.

Passed - majority vote as declared by Moderator  
Count: 278 Yes 19 No

Article 28. A motion was made and seconded by the Board of Selectmen to transfer the sum of **\$250,000** from Community Preservation Undesignated Fund balance to the Eastham Affordable Housing Trust in support of housing assistance programs including a Rental Subsidy Program, a Housing Preservation Program, a Lease to Own Program and a Closing Cost Assistance Program or other programs deemed appropriate by the Eastham Affordable Housing Trust. Housing units created under any of the current and proposed affordable housing assistance programs would be subject to such terms and conditions, which the Eastham Affordable Housing Trust may require, in order to ensure the long-term viability of affordable housing units.

Passed - majority vote as declared by Moderator  
Count: 274 Yes 23 No

Article 29. A motion was made and seconded by the Board of Selectmen to transfer the sum of **\$30,000** from The Community Preservation Historic Reserve for the purpose of conducting a survey to identify, describe, and preserve significant historic buildings, structures, archeological sites and landscapes within the Town of Eastham.

Passed - majority vote as declared by Moderator  
Count: 276 Yes 21 No

Article 30. A motion was made and seconded by the Board of Selectmen to authorize the Board of Selectmen to acquire a parcel of land containing 5.76 acres, located at 0 Nauset Road as printed in the warrant, and to transfer the sum of **\$120,000** from the Community Preservation Open Space Reserves for said acquisition.

Passed - majority vote as declared by Moderator  
Count: 282 Yes 13 No

Article 31. A motion was made and seconded by the Board of Selectmen to transfer the sum of **\$6,000** from The Community Preservation Open Space Reserves as a grant to the Eastham Conservation Foundation, a nonprofit organization for the purpose of undertaking stewardship and preservation of 13 town-owned conservation properties, and to make them more functional for their intended uses. Funds shall be used to pay for expenses associated with monitoring the properties and enforcement of conservation restrictions. This grant will cover expenses incurred for stewardship for FY20 through FY24.

Passed - majority vote as declared by Moderator  
Count: 285 Yes 2 No

Article 32. A motion was made and seconded by the Board of Selectmen to transfer the sum of **\$135,000** from Community Preservation Undesignated Fund Balance for remediation activities to restore the water quality of Minister/Schoolhouse Ponds.

Passed - majority vote as declared by Moderator  
Count: 280 Yes 7 No

Article 33. A motion was made and seconded by the Board of Selectmen to transfer the sum of **\$22,000** from The Community Preservation Active Recreation Reserves to be used to develop a plan for restoration and expansion of recreational facilities at Wiley Park.

Passed - majority vote as declared by Moderator  
Count: 275 Yes 19 No

Article 34. A motion was made and seconded by the Board of Selectmen to transfer the sum of **\$20,000** from The Community Preservation Active Recreation Reserves to purchase beach access mats a.k.a. "Mobi-Mats" in order to make public beaches throughout the town more functional for their intended uses.

Passed – majority vote as declared by Moderator  
Count: 279 Yes 4 No

Article 35. Petitioner Lisa A. Roberts made a motion which was seconded, that the Town of Eastham vote to protect its natural resources by prohibiting the use of single-use plastic bags by all retail establishments as of November 1, 2020, after a phase-out period of eighteen months.

### **1. Purpose and Intent:**

The production and use of single-use plastic bags have significant effects 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 non-renewable, polluting fossil fuel nationally for their manufacture. Therefore, the Town of Eastham seeks to protect its natural resources by prohibiting the use of single-plastic bags by all retail establishments as of November 1, 2020, after a phase out period of eighteen months.

### **2. Definitions**

**Food and Retail Establishment:** any business selling goods, food, or services to the public, including but not limited to: markets; restaurants; bars; take-out food purveyors; and merchandise retailers.

**Single-Use Plastic Bag:** a bag made of plastic, including but not limited to bags made of high-density polyethylene, low density polyethylene, 'biodegradable', 'compostable', with a thickness of less than 4

mils provided at the checkout stand, cash register, point of sale or other point of departure intended for the purpose of transporting food or merchandise out of the Establishment.

**Reusable Bag:** a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other durable material.

### 3. Applicability

The requirements of this article shall apply to single-use plastic bags, as defined above. Said bags shall no longer be distributed, sold, or provided at any Town of Eastham Establishment after the 18 month phase out period. Any stock remaining after that date shall be recycled or returned to the manufacturer by the Establishment. Establishments may provide paper, reusable bags, or boxes at no charge, or charge a fee which would be kept by the Establishments, as they so desire.

### 4. Exemptions

The following are exempt and not subject to the provisions of this article: 1. Plastic bags used for newspapers, pet waste, yard waste, household garbage, or protective dry cleaning bags

2. Bags sold in quantity (bulk) for home food storage

3. Bags used for the protection of raw foods, including but not limited to, produce or meat/fish products

4. Packaging used during the transport of products to an Establishment from the manufacturer

### 5. Enforcement

Enforcement will be decided after the adoption of this article and before the date it goes into effect.

Passed – majority vote as declared by Moderator

Count: 264 Yes 22 No

Article 36. Petitioner Deborah D. Ullman made a motion which was seconded, that the Town of Eastham protect its natural resources by prohibiting the use of single-use polystyrene containers, and counterparts, as of November 1, 2020, after a phase-in period of eighteen months after the adoption of this article.

#### 1. Purpose and Intent:

The use and disposal of polystyrene products are proven to have significant negative impacts on marine and land environment of our coastal community, including but not limited to: A. contributing to the harm of marine and terrestrial wildlife through ingestion and entanglement; B. pollution and degradation of the terrestrial and coastal environment; C. Human risk through exposure to harmful carcinogens used in the making of polystyrene products; and D. Disposal burdens for solid waste collection and recycling facilities. Therefore, the Town of Eastham seeks to protect its natural resources and the well-being of its residents by prohibiting food or retail establishments from distributing single-use disposable polystyrene containers, and counterparts, as of November 1, 2020, after a phase out period of eighteen months.

#### 2. Definitions

**Single-Use Polystyrene Disposable Containers and Counterparts:** single-use disposable products for serving or transporting food or beverages, including but not limited to, take out foods and/or partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery.

**Expanded Polystyrene (EPS):** polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid form.

**Polystyrene:** expanded and extruded forms of thermoplastic, petrochemical materials 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 blown molding

(extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam.

**Food Establishments:** any operations, including but not limited to, restaurants, schools, charitable associations, food trucks, farmer’s markets, concession stands, and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption.

**Retail Establishments:** 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 service establishments.

**Public Venues:** operations such as meeting halls, Town offices, public facilities and recreation areas.

Passed – majority vote as declared by Moderator

Count: 269 Yes 14 No

Article 37. Petitioner Dianne W. Ashley made a motion which was seconded, that the people of Eastham support the bills in the House and Senate to create a special commission to change the seal and motto of the state so that they support the values of the State of Massachusetts.

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their own shores in 1620, and helped them survive starvation during the settlers’ first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked colonial broadsword brandished above the head of the native man on the Massachusetts state flag and seal is copied from Myles Standish’s own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the native’s cloak on the flag and seal is modeled after a belt worn by Metacomet, known to the English as King Phillip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of native lands against euro-colonial encroachment;

Whereas the history of relations between Massachusetts since colonial times and the Native Nations who continued to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda and the Caribbean Islands, the offering of 40 pounds sterling as a bounty for the scalps of native men, women and children in Massachusetts in 1686 increased to 100 pounds sterling for the scalps of native adult males by 1722, half that amount for native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the non-violent action of the so-called Mashpee Rebellion in 1833 led to the granting of native self-rule by the Massachusetts State Legislature in 1834, as if the sovereign right to native self-government was the Massachusetts legislature’s to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400<sup>th</sup> anniversary of the landing of the euro-colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this container is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the euro-colonial immigrants and the Native Nations of these shores;

And whereas Native Americans have long suffered many abuses of racism, the appropriation of their symbols for public schools and sports teams; the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

Why change the State Flag and Seal?

Whereas all 50 American states have official flags and seals only two of them-Mississippi, which incorporates the Confederate battle flag, and Massachusetts which features the Colonial Broadsword of Miles Standish, hanging over the head of a Native American man, with the Latin phrase, translated, "By the Sword we seek Peace"- have come under sustained criticism as official state symbols of white supremacy. The change has the support of the Massachusetts Commission on Indian Affairs. Hartman Deetz, of the Mashpee Wampanoag said the sword above the artificial Indian reminds them of the beheading of their Chief Metacomet whose head was impaled on a pike in Plymouth for more than 20 years. Justin Beatty, a member of the Ojibwe and Supoini tribes said the flag and seal glorify violence between the peoples of Massachusetts.

Therefore, BE IT RESOLVED that the people of Eastham adopt this resolution in support of HD.2968 and SD.1495, a Resolve Providing for the creation of a special commission relative to the seal and motto of the Commonwealth to change the seal and flag so that it supports the values of the State of Massachusetts.

Passed – majority vote as declared by Moderator

Count: 207 Yes 50 No

Article 38. A motion was made and seconded by the Board of Selectmen that the town vote accept the published reports of the Town officers as printed and made available to the public in the 2018 Town of Eastham Annual Report, and to hear any unpublished reports of committees and to do or act on anything which may legally come before this meeting.

Passed – unanimous voice vote declared by Moderator

Article 39. A motion was made by the Moderator that the 2019 Annual Town Meeting be dissolved.

Passed – unanimous voice vote declared by Moderator

There were 401 voters present at the close of Town Meeting out of a possible 4,142. There being no further action of Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 9:45 p.m. The Moderator declared Town Meeting dissolved after a unanimous vote by voters.

A True Copy Attest:

Susanne Fischer  
Town Clerk