

Town of Chatham



SPECIAL TOWN MEETING WARRANT

SATURDAY, OCTOBER 3, 2020

1:00 P.M.

Unfortunately, no childcare is available due to the COVID-19 State of Emergency.

VETERANS FIELD¹
1 VETERANS FIELD ROAD

Additional parking at the Community Center, 702 Main Street

¹ ***PLEASE NOTE this is an outdoor assembly at 1:00P.M., so prepare for variable conditions. COVID-19 safety protocols required! Potential rain/weather dates on October 6 & 7, 2020 at 5 p.m. More event logistics to be provided.***

SPECIAL TOWN MEETING WARRANT 1PM SATURDAY, OCTOBER 3, 2020 WITH SUGGESTED MOTIONS

[Rain/Weather Dates 10/6/2020 & 10/7/2020 at 5 p.m.]

This is a courtesy document; motions may change and are not intended to restrict any action.

Resolution: Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of October 3, 2020.

- A) The Moderator shall have the option of reading each Article in the Warrant verbatim or summarizing the subject matter therein in general terms, at his discretion.
- B) Upon an Article having been disposed of by vote, the Moderator shall entertain a motion to reconsider said Article or to accept a Resolution pertaining to said Article only during the same session during which said vote was acted upon.
- C) A motion to move the previous question shall require a two-thirds vote and may not be debated.
- D) The Moderator shall not accept a motion to move the previous question by any person discussing the Article until after an intervening speaker has discussed the Article.
- E) A non-voter may request the privilege of addressing the meeting on a motion made under any Article or Resolution offered, the request to be granted by the Moderator unless there is an objection by a voter. Upon objection, the Moderator shall poll the meeting by voice or count, at his discretion, and a majority vote in favor shall entitle said non-voter to address the meeting. However, the Moderator may grant the privilege of the floor to any non-resident Town Department Head without necessity of a vote.
- F) The Moderator shall not entertain the question of the presence of a quorum at any point at which a motion to move the previous question has already been voted.
- G) Speakers addressing the meeting shall be limited to five (5) minutes within which to present their remarks. The Moderator will not recognize anyone who has previously spoken on the Article until all persons wishing to address the meeting have had an opportunity to speak. The Moderator may exercise reasonable discretion in enforcement of this rule.

The foregoing rules are not intended to alter or change the traditional conduct of the Town Meetings in Chatham except as specifically stated above.

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COMMONWEALTH OF MASSACHUSETTS

**TOWN OF CHATHAM
SPECIAL TOWN MEETING WARRANT
OCTOBER 3, 2020
1:00 PM**

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

GREETINGS:

To any of the Constables of the Town of Chatham in the County of Barnstable.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF CHATHAM, qualified to vote in elections and Town affairs to meet at Veterans Field, 1 Veterans Field Road, in said Chatham on the 3rd day of October, 2020 at 1:00 o'clock in the afternoon, then and there to act on any business that may legally come before said meeting.

Article XX (1) – Petitioned Article – Protective (Zoning) Bylaw Amendment

Main Street Theater Overlay District

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to adopt the following amendment to the Town of Chatham Protective By-Law;

Under Section IV Overlay Regulations by adding a new Overlay District as follows:

F. Main Street Theater Overlay District (MST)

1. Purpose

The MST Overlay District is intended to encourage the restoration of the existing historic buildings which comprise the former Monomoy Theater, which includes the existing Main House (the Washington Taylor House) and the existing Theater Building, while also providing the opportunity for additional downtown housing options in the form of small dwelling units located in clustered buildings within the MST Overlay District.

2. Location

The MST Overlay District is located along Main Street in downtown Chatham and extends in a northerly direction to Depot Road. It includes the following properties: 776 Main Street, Assessor Map 14E-37-56 and 70 Depot Road, Assessor Map 19E-59-51 and is further shown on the sketch plan attached hereto dated 1/11/2019.

3. Uses

- a. All uses permitted in the underlying General Business 2 (GB2) zoning district shall be permitted in the MST Overlay District, pursuant to Appendix 1 Schedule of Use Regulation and other applicable provisions of the By-law.
- b. Additionally, the following overlay use shall also be permitted in the MST Overlay District upon Site Plan approval by the Planning Board and issuance of a Special Permit by the Zoning Board of Appeals.
- Multifamily dwelling units, dormitory use related to operation of the theater and/or affordable dwellings in accordance with the following provisions:

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- i. No dwelling unit shall exceed **1400** square feet of finished floor area and contain more than two (2) bedrooms.
- ii. No building shall contain more than four (4) dwelling units.
- iii. The total redevelopment area shall provide not less than **forty-two hundred (4,200)** square feet of buildable upland for each dwelling unit. As provided for in subsections xi and xii there shall be no buildable upland requirement for any dormitory use, affordable apartments or a property manager apartment. For the purposes of the MST Overlay District the redevelopment area shall include all buildable upland included on all lots located within the MST Overlay District.
- iv. There shall be finished floor area of not more than two (2) stories above finish grade and none below such level.
- v. There shall be a minimum of fifteen (15) feet between all principal buildings containing dwelling units unless waived by the Planning Board for design purposes.
- vi. Lot coverage within the total redevelopment area shall not exceed eighty (80) percent and green area shall be at least twenty (20) percent. Planning Board may grant a waiver of these requirements in order to satisfy parking requirements for the redevelopment plan.
- vii. Other than existing buildings, building height shall not exceed two and half (2 1/2) stories or thirty (30) feet.
- viii. Any application for a Site Plan approval or for a Special Permit hereunder shall also include the plans for the restoration and redevelopment of the historic Main House and Theater building and any additions or alterations thereto. It is intended that the Site Plan and Plans for the Special Permit shall include all proposed redevelopment within the MST Overlay District. For the purposes of this Special Permit process the Zoning Board of Appeals shall also be the Special Permit granting authority under the provisions of Section V B of the Protective Bylaw to the extent relief is deemed necessary under Section V B.
- ix. Parking for the redevelopment plan shall meet the requirements of Section VI of the Protective Bylaw except that one and one/half (1.5) spaces shall be required for each multifamily dwelling unit and the Planning Board shall have the right to grant exceptions as provided for in in Section VI 7 of the Protective Bylaw giving due consideration to any nonconforming parking conditions that exist. The Planning Board shall also have the right upon a finding of special circumstances

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to waive requirements regarding, lot coverage and green area, parking design, parking dimensions, landscaping (including landscape buffers) off-street loading requirements, and parking area setbacks.

- x. The area within the redevelopment plan devoted to multifamily use shall be shown as a separate lot and may be held in ownership different than the remaining lot(s) within the MST Overlay District.
- xi. Notwithstanding the requirements of Sections VII B. 2.1 and 11 of the Protective Bylaw, any Special Permit issued hereunder may include within the area of the redevelopment plan devoted to the restoration and redevelopment of the Theater property, a portion of the building(s) devoted to seasonal dormitory use related to the operation of the theater, not to exceed a total of twenty-five (25) beds, or not more than three (3), two (2) bedroom Affordable Dwelling units as defined in Section VII 2.1 of the Protective Bylaw. It is the intent of this provision that there shall be no buildable upland requirement imposed for the dormitory beds or the Affordable Apartments nor shall the setback requirements or other dimensional requirements of Section VII B2.1 and 11 apply. The Board of Appeals shall seek a recommendation from the Board of Health prior to approving any dormitory use under this section.
- xii. Any Special Permit issued hereunder may include within the area of the redevelopment plan devoted to the restoration and redevelopment of the Theater property a property managers apartment to be occupied by the property manager (and his/her family). There shall be no buildable upland requirement for the **property** managers apartment.
- xiii. Any Site Plan approval and/or Special Permit issued for multifamily dwelling units under this section shall be conditioned upon the restoration and redevelopment of the existing Main House (Washington Taylor House) and Theater Building located in the MST Overlay District and any alterations or additions thereto, as approved by the Historic Business District Commission.
- xiv. Modifications to any Site Plan Approval or Special Permit issued hereunder shall be subject to the provisions of the MST Overlay District.

4. Relationship to Underlying District

Except to the extent provided in the MST Overlay District all other provisions of the Protective Bylaw shall apply to the extent they are not inconsistent with the provisions of the MST Overlay District. To the extent the provisions of the MST Overlay District are in conflict with or are inconsistent with other provisions of the Protective Bylaw, the

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provisions of the MST Overlay District shall prevail even if such other provisions are more restrictive than those set forth in this MST Overlay District.

Or take any other action related thereto.

Motion: By Petitioner

I move that the Town vote to amend the Protective (Zoning) By Law as set forth in the Article 1.

Speaker: Petitioner and Representatives

Explanation: *Provided by Petitioner*

The Main Street Theatre Overlay District Project includes the renovation and preservation of the Monomoy Theatre and Washington Taylor House, attached theatre performer housing, the addition of a wine bar and retail spaces, as well as 32 right-sized residential condominiums designed for individuals ages 55+. The Main Street Theatre Overlay District Project intends to provide a new era of entertainment in Chatham as well as provide unique housing opportunities for the community.

While renovations of the theatre layout are in early design phases, most notable renovations include direct attachment of the original stand-alone scene shop as well as restoration of the exterior to its original design and finishes. Additionally, restroom facilities, accessibility and egress conformance plus an expanded lobby are internal renovations set to be made in the theatre facility. Similarly, the renovations of the Washington Taylor House are in early design phases. Most notable renovations include the placing of a concrete foundation under the existing building with the addition of a full basement, first floor renovations to serve as retail space, and second floor renovations for dormitory housing for theatre performers. Additionally, the house and theatre will be connected on both levels.

The condominium units will add a housing component that is currently limited in Chatham. It will allow for empty nesters to downsize from their current properties, which will in turn launch these homes for the next generation of families. With the addition of the condominium complex, the increase in paid real estate property tax will be over \$100,000 per year for the property.

The project will be developed without any public funding. Residents and taxpayers of Chatham will enjoy the benefit of the entertainment facility without incurring any property increase.

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* * * * *

And you are directed to serve this Warrant by posting attested copies thereof at the several Post Offices in said Town, fourteen days at least, before the time of holding said meeting. Hereof fail not and make due return of the Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this ____ day of September, in the year of our Lord, Two Thousand and Twenty.

Shareen Davis, Chairman

Peter K. Cocolis, Vice-Chairman

Cory J. Metters, Clerk

Dean P. Nicastro

Jeffrey S. Dykens

Board of Selectmen

A True Copy, Attest

Julie Smith, Town Clerk

Barnstable, ss.

Pursuant to the written WARRANT, I have notified and warned the inhabitants of the Town of Chatham by posting attested copies of the same in each of the Post Offices of said Town at least fourteen days before October 3, 2020 on September _____, 2020.

Constable

Date