

# *Town of Chatham*



ARTICLES IN THE WARRANT  
for the  
**2013 SPECIAL TOWN MEETING**

With Recommendations of  
Chatham Board of Selectmen  
and  
Finance Committee

Monday, May 13, 2013  
6:00 P.M.

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Please bring this report to the meeting for use in the proceedings at the

CHATHAM HIGH SCHOOL  
425 CROWELL ROAD



**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF CHATHAM  
SPECIAL TOWN MEETING WARRANT  
MONDAY, MAY 13, 2013**

**THE COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

**GREETINGS:**

To any of the Constables in 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 in the gymnasium of the Chatham High School on Crowell Road in said Chatham on the 13<sup>TH</sup> day of May at 6:00 o'clock in the evening, then and there to act on any business that may legally come before said meeting.

**Resolution:** Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of May 13, 2013

- 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.

**Article 1 – Conveyance of Surplus Subsurface Easement Rights**

To see if the Town will authorize the Board of Selectmen to convey as appurtenant the realty located at 2642 Main Street and more particularly described in the deed recorded in the Barnstable County Registry of Deeds in Book 19901, Page 141, the surplus subsurface easement rights of land located at South Chatham from the Harwich town line to Morton Road and encompassing 132,423 square feet as more particularly described on a plan as recorded with the Barnstable County Registry of Deeds, Plan Book 219, Page 81, to be conveyed by gift or otherwise for the purposes of satisfying the Massachusetts Department of Environmental Protection nitrogen aggregation requirements, provided that conveyance of such an easement may not interfere, in any way, with the surface rights of the land, which is currently used for the Old Colony Rail Trail and authorize the Selectmen to take any other necessary action related thereto.

***Petitioner’s Explanation:*** *The purpose of this Article is to allow the Town of Chatham to grant an easement for subsurface use of the bike trail for nitrogen aggregation to the owners of the Box Office Café.*

(By Petition)

**Motion:** By Jade Schuyler, Petitioner

I move that the Town authorize the Board of Selectmen to convey the surplus subsurface easement rights of land located at South Chatham from the Harwich town line to Morton Road and encompassing 132,423 square feet of subsurface area, as more particularly described on a plan on file with the Town Clerk’s Office and to be recorded with said easement, said easement to be limited to the purposes of satisfying the Massachusetts Department of Environmental Protection nitrogen aggregation requirements, and provided further that conveyance of such an easement shall not interfere, in any way, with the surface uses rights of the land, which is currently used for the Old Colony Rail Trail and authorize the Selectmen to execute any and all agreements or other documents in relation to such conveyance.

**Speaker:** Jade Schuyler, Petitioner

**Board of Selectmen Recommendation:** Approve 4:0:0  
**Finance Committee Recommendation:** Recommendation from Town Meeting Floor  
**Vote Required:** Two-Thirds (2/3rds)-MGL Ch. 40, Section 15a

**Article 2 – Zoning Bylaw Amendment; Definitions – Lunch Room**

To see if the Town will vote to amend its Zoning Bylaw, Section I.B. Section II, (Definitions) paragraph 68 “LUNCH ROOM” by deleting the number 40 where it appears and inserting the number 49 and by inserting the word “or” between the words “dancing” and “entertainment” and by deleting the words “or sale of alcoholic beverages, except the service of beer and wine with meals” and inserting in place thereof “but permitting sale of alcoholic beverages with meals”, so that the modified paragraph would read as follows:

68. “**LUNCH ROOM**” means **restaurant** with a maximum seating capacity of forty-nine (49) people with no dancing or entertainment but permitting the sale of alcoholic beverages with meals.

***Petitioner’s Explanation:** The purpose of this amendment is to conform our zoning bylaw to the current practices in the SB Zone.*

(By Petition)

**Motion:** By Jade Schuyler, Petitioner

I move that the Town vote to amend its Zoning Bylaw, Section I.B. Section II, (Definitions) paragraph 68 “LUNCH ROOM” by deleting the number 40 where it appears and inserting the number 49 and by inserting the word “or” between the words “dancing” and “entertainment” and by deleting the words “or sale of alcoholic beverages, except the service of beer and wine with meals” and inserting in place thereof “but permitting sale of alcoholic beverages with meals”, so that the modified paragraph would read as follows:

68. “**LUNCH ROOM**” means **restaurant** with a maximum seating capacity of forty-nine (49) people with no dancing or entertainment but permitting the sale of alcoholic beverages with meals.

**Speaker:** Jade Schuyler, Petitioner

**Board of Selectmen Recommendation:** Approve 4:0:0  
**Finance Committee Recommendation:** Recommendation from Town Meeting Floor  
**Planning Board Recommendation:** Recommendation from Town Meeting Floor  
**Vote Required:** Two-Thirds (2/3rds)-MGL Ch. 40A, Section 5

**Article 3 – Discontinue Expenditure for West Chatham Roadway Design Project**

To see if the Town will instruct the Board of Selectmen and Town Manager to discontinue the expenditure of further funding for the West Chatham Roadway Design Project beyond that which has been authorized but unissued; and to instruct the Board of Selectmen and Town Manager that any future funding for the West Chatham Roadway Design Project or any other project relative to the design of the roadway between George Ryder Road and Barn Hill Road must be specifically approved by Town Meeting in a separate Warrant Article.

(By Petition)

**Motion:** By Dan Meservey, Petitioner

I move that the Town will instruct the Board of Selectmen and Town Manager to discontinue the expenditure of further funding for the West Chatham Roadway Design Project beyond that which has been authorized but unissued; and to instruct the Board of Selectmen and Town Manager that any future funding for the West Chatham Roadway Design Project or any other project relative to the design of the roadway between George Ryder Road and Barn Hill Road must be specifically approved by Town Meeting in a separate Warrant Article.

**Speaker:** Dan Meservey, Petitioner

**Board of Selectmen Recommendation:** Recommendation from Town Meeting Floor  
**Finance Committee Recommendation:** Recommendation from Town Meeting Floor  
**Vote Required:** *Majority*

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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 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 \_\_\_\_\_ in the year of our Lord, Two Thousand and Thirteen.

\_\_\_\_\_  
Florence Seldin, Chairman

\_\_\_\_\_  
Sean Summers, Vice Chairman

\_\_\_\_\_  
Timothy L. Roper, Clerk

\_\_\_\_\_  
Leonard M. Sussman

\_\_\_\_\_  
David R. Whitcomb

Chatham 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 Post Offices of said Town at least fourteen days before May 13, 2013 on \_\_\_\_\_ 2013.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date

OFFICIAL DOCUMENT

SPECIAL TOWN MEETING WARRANT – MAY 13, 2013