

## Minutes for the Annual Town Meeting held May 6, 2023

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Athletic Field to vote on the following articles with actions as noted. The Town Clerk declared a quorum and the Moderator called the meeting to order at 10:05 A.M. with 305 voters in attendance at the opening of Town Meeting out of a possible 4,708.

### ARTICLE 1 (AUTHORIZATION & SPENDING LIMITS FOR REVOLVING ACCOUNTS)

A motion was made and seconded by the Board of Select Board to accept the Fiscal Year 2023 spending limits for all revolving funds as follows:

Revolving Fund	Spending Limit
Recreation Bottles & Cans	25,000
Home Composting Bin/Recycling	2,000
Vehicular Fuel Sales	40,000
COA/Programs	12,500

By the Select Board

Passed – Majority vote declared by Moderator

Count: Yes 298 No 07

### ARTICLE 2A (GENERAL FUND OPERATING BUDGET)

A motion was made and seconded by the Select Board to act on the operating budget, including recommendation and reports of the Select Board, Finance Committee and other Town Officials, and to see if the Town will raise and appropriate or transfer from receipts reserved and other available funds and accounts, the sum of \$38,265,322.

GENERAL FUND OPERATING BUDGET		Operational Budget	
Appropriations Operational Budget	Raise & appropriate	Elected & Official's Salary	\$213,000
Appropriations Operational Budget	Raise & appropriate	Town Administration	\$677,199
Appropriations Operational Budget	Raise & appropriate	Municipal Finance	\$1,823,418
Appropriations Operational Budget	Raise & appropriate	Town Clerk & Elections	\$197,550
Appropriations Operational Budget	Raise & appropriate	Community Dev & Inspections	\$761,215
Appropriations Operational Budget	Raise & appropriate	Public Safety	\$5,591,293
Appropriations Operational Budget	Raise & appropriate	Educational Services	\$10,809,471
Appropriations Operational Budget	Raise & appropriate	Public Works	\$2,473,714
Appropriations Operational Budget	Raise & appropriate	Community Services	\$2,509,761
Appropriations Operational Budget	Raise & appropriate	Unallocated Expenditures	\$6,701,454
Appropriations Operational Budget	Raise & appropriate	Debt Budget	\$6,507,248
			\$38,265,322

By the Select Board

Passed – Majority vote declared by Moderator

Count: Yes 295 No 26

### ARTICLE 2B WATER ENTERPRISE FUND OPERATING BUDGET

A motion was made and seconded by the Select Board to appropriate, raise, or transfer from available funds, to operate the Water Enterprise Fund:

	<u>FY 2023 Budget</u>	<u>FY 2024 Budget</u>
<b>Amounts Appropriated:</b>		
Salaries and Wages	\$ 98,391	\$ 99,853
Expenses	401,000	401,700
Transfer for Costs Appropriated in General Fund	-	-
<b>Total Amounts Appropriated</b>	<b>\$ 499,391</b>	<b>\$ 501,533</b>

<b>Funding Sources:</b>		
Water Revenue	\$ 499,391	\$ 501,533
Free Cash (General Fund Subsidy)		
<b>Total Funding Sources</b>	<b>\$ 499,391</b>	<b>\$ 501,533</b>

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 309 No 12

**ARTICLE 2C (APPROVE & FUND COLLECTIVE BARGAINING AGREEMENTS)**

A motion was made and seconded by the Select Board to raise and appropriate \$400,000 to fund and implement the cost of items of the first year of pending collective bargaining agreements between the Town and its employee unions and employees covered by the Personnel Bylaw, for the period of July 1, 2023, through June 30, 2024;

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 290 No 29

**ARTICLE 3A (5 YEAR CAPITAL PLAN)**

A motion was made and seconded by the Select Board, in accordance with Chapter 6-6A of the Eastham Home Rule Charter, to accept the Capital Improvement Plan for FY24-29 as printed below.

<b>5 Year Capital Plan</b>	available funds	Operating budget estimated receipts		<b>\$1,934,374</b>
<b>FACILITIES AND LAND</b>	Free Cash	Town Hall Repair & Maintenance Program	\$220,000	
	CPA	Town Hall Repair & Maintenance Program-Exterior Repairs	\$680,000	
	Free Cash	Senior Ctr Repair& Maint Prgm	\$15,000	
	Free Cash	Public Works Facility Repair & Maint Prgm	\$30,000	
	Chapter 90	Salt Shed Replacement	\$100,000	
	Free Cash	Recreation Building Repair & Maintenance Program	\$5,000	
	Free Cash	Police Station Repair & Maintenance Program	\$49,000	
	Free Cash	Fire Station Repair & Maintenance Program	\$70,000	
	Free Cash	Town Hall Annex Repair & Maint Program	\$26,000	
	Free Cash	Library Building Repair & Maintenance Program	\$5,000	
	Free Cash	Elementary School Building & Grounds Repair & Maintenance Program	\$71,000	
	Free Cash	Transfer station Facility Repair & Maintenance Program	\$10,000	
	Free Cash	Land, Parks & Cemetery facility repair & maintenance program	\$25,000	
		<b>Subtotal</b>		<b>\$1,306,000</b>

<b>INFRASTRUCTURE</b>				
	Ballot Initiative	Rock Harbor Dredging - Phase 2	\$1,800,000	
			<b>Subtotal</b>	<b>\$1,800,000</b>
<b>Local Road Improvements</b>				
	Free Cash	Intersection Improvements	\$50,000	
	Chapter 90	Planning & Design of Roadways	\$150,000	
	Grant	Construction of Roadways	\$500,000	
<b>Town Landings</b>	Free Cash	Planning/Engineering	\$75,000	
			<b>Subtotal</b>	<b>\$775,000</b>
<b>COMMUNITY DEVELOPMENT</b>	Free Cash	T-Time,/TPC/COA Sites - Design/Engineer/Develop	\$100,000	
<b>Wastewater Infrastructure</b>	Ballot Initiative	Design & Engineering	\$5,950,000	
<b>Other Projects</b>	Grant	Eastham Community Internet	\$100,000	
<b>DPW Recurring Maintenance Programs</b>				
	Free Cash	Stormwater Systems Maintenance Program	\$50,000	
	CL	Parking Lot Maintenance Program recurring	\$20,000	
	Free Cash	Parking Lot Maintenance Program Additional	\$30,000	
	Free Cash	Town wide sign replacement	\$25,000	
			<b>Subtotal</b>	<b>\$6,275,000</b>
<b>SUBTOTAL INFRASTRUCTURE</b>				<b>\$8,850,000</b>
<b>FLEET INVENTORY (Vehicles)</b>	Free Cash	Fleet Replacement Program	\$12,500	
	CL	DPW Fleet Replacement Program	\$73,750	
	Chapter 90	Dump Truck	\$200,000	
	Free Cash	Tractor Truck	\$200,000	
	Free Cash	Response Boat Trailer	\$20,000	
	CL	Fire Dept Fleet Replacement Program (Recurring)	\$30,000	
	Ambulance Fund	Ambulance Replacement	\$28,000	
	CL	Police Department Fleet Replacement Program	\$134,000	
	Other	PD Motorcycle (3 yr lease)	\$5,000	
	CL	Senior Center Fleet Replacement Program	\$15,000	
	CL	Beach & Recreation Fleet Replacement Program	\$15,000	
			<b>Subtotal</b>	<b>\$733,250</b>
<b>EQUIPMENT</b>	Free Cash	Energy Efficient & Solar Programs and Upgrades	\$25,000	
	CL	PC's and component replacement programs (Recurring)	\$15,250	
	Free Cash	PC's and component replacement programs (Additional)	\$25,250	
	CL	Servers/Network Component Replacement Program (Recurring)	\$52,000	
	Free Cash	Servers/Network Component Replacement Program (Additional)	\$55,000	

	CF	Media Equipment Replacement Program (Recurring)	\$10,000	
	Ambulance Fund	Medical/Rescue Equipment Replacement Program (Recurring)	\$15,000	
	CL	Fire Suppression Equipment Replacement Program (Recurring)	\$25,000	
	Free Cash	Specialty Equipment	\$10,000	
	Ambulance Fund	Defibrillators	\$100,000	
	CL	PD Departmental Equipment Replacement Program	\$20,000	
	Free Cash	Interior Furnishings	\$20,000	
	Free Cash	Library Furniture and Shelving Replacements	\$7,500	
	Free Cash	Kitchen Appliance Replacement	\$20,000	
	Free Cash	Beach Equipment (Mobi Mats, Walkways)	\$20,000	
	Free Cash	Elections Equipment	\$5,000	
	Free Cash	Elementary School Equipment Replacement Program (Recurring)	\$30,000	
	<b>Subtotal Equipment</b>		<b>Subtotal</b>	<b>\$455,000</b>
	<b>TOTAL CAPITAL PLAN EXPENDITURE AMOUNTS</b>			<b>\$11,344,250</b>

By the Select Board

Passed - Majority vote declared by Moderator

Count: Yes 303 No 17

**ARTICLE 3B (CAPITAL BUDGET)**

A motion was made and seconded by the Select Board, to raise and appropriate or transfer from available funds the sum of **\$1,859,250** for the purposes, and from the sources, as listed below.

	<b>ADMINISTRATION &amp; FINANCE DEPARTMENTS</b>		
	Town Hall Repair & Maintenance Program	220,000	Free Cash
	Town Hall Annex Repair & Maintenance Program	26,000	Free Cash
	General Government Fleet Replacement Program	12,500	Free Cash
	PC and Component Replacement Program	40,500	Tax Levy & Free Cash
	Servers and Network Component Replacement Program	107,000	Tax Levy & Free Cash
	Media Equipment Replacement Program	10,000	PEG Access Fund
	Town Clerk Elections Equipment Replacement Program	5,000	Free Cash
	Subtotal	421,000	
	<b>SCHOOL DEPARTMENT</b>		
	Elementary School Building & Grounds Repair & Maintenance Program	71,000	Free Cash
	Elementary School Equipment Maintenance Program	30,000	Free Cash
	Subtotal	101,000	

<b>COMMUNITY SERVICE DEPARTMENTS</b>		
Recreation Building Repair & Maintenance Program	5,000	Free Cash
Recreation Fleet Replacement Program	15,000	Tax Levy
Recreation (Beach) Equipment Replacement	20,000	Free Cash
Library Building Repair & Maintenance Program	5,000	Free Cash
Library Furniture & Shelving Replacements	7,500	Free Cash
Senior Center Building Repair & Maintenance Program	15,000	Free Cash
Senior Center Fleet Replacement Program	15,000	Tax Levy
Senior Center Kitchen Appliance Replacement	20,000	Free Cash
Subtotal	102,500	
<b>PUBLIC WORKS DEPARTMENT</b>		
Public Works Facility Repair & Maintenance Program	30,000	Free Cash
Land, Parks & Cemetery Facility Repair & Maintenance Prog.	25,000	Free Cash
Stormwater Systems Maintenance Program	50,000	Free Cash
Parking Lot Maintenance Program	50,000	Tax Levy & Free Cash
DPW Fleet Replacement Program	73,750	Tax Levy
Natural Resource Response Boat Trailer	20,000	Free Cash
Tractor Truck	200,000	Free Cash
Intersection Improvements	50,000	Free Cash
Subtotal	498,750	
<b>SANITATION DEPARTMENT</b>		
Transfer Station Facility Repair & Maintenance Program	10,000	Free Cash
Subtotal	10,000	
<b>POLICE DEPARTMENT</b>		
Police Station Repair & Maintenance Program	49,000	Free Cash
Fleet Replacement Program	134,000	Tax Levy
Departmental Equipment Replacement Program	20,000	Tax Levy
Interior Furnishings Replacements	20,000	Free Cash
Speed Trailer & Signs	25,000	Free Cash
Subtotal	248,000	
<b>FIRE DEPARTMENT</b>		
Fire Station Repair & Maintenance Program	70,000	Free Cash
Fleet Replacement Program	30,000	Tax Levy
Third Ambulance Retention & Outfitting	28,000	Ambulance Fund
Medical/Rescue Equipment Replacement Program	15,000	Ambulance Fund
Fire Suppression Equipment Replacement Program	25,000	Tax Levy
Specialty Equipment	10,000	Free Cash
Defibrillator Replacement	100,000	Ambulance Fund
Subtotal	278,000	
<b>MISCELLANEOUS/ADDITIONAL REQUESTS</b>		
Town Landings, Culverts & Drainage Planning, Permitting, Design & Construction	75,000	Free Cash
T-Time, Town Center Plaza, COA Site Design, Planning & Engineering	100,000	Free Cash

Solar & Energy Efficiency Upgrades	25,000	Free Cash
Subtotal	200,000	
<b>TOTAL CAPITAL PROJECTS REQUESTS</b>	<b>1,859,250</b>	

<b>SUMMARY OF FUNDING SOURCES</b>	
Free Cash	1,306,250
Ambulance Receipts Fund	143,000
PEG Access Fund	10,000
Tax Levy	400,000
<b>TOTAL FUNDING</b>	<b>1,859,250</b>

By the Select Board  
Passed - Majority vote declared by Moderator  
Count: Yes 302 No 21

**ARTICLE 3C (BOND AUTHORIZATION – ROCK HARBOR DREDGE)**

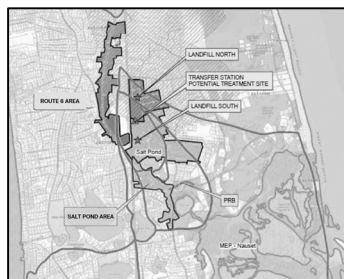
A motion was made and seconded by the Select Board to raise and appropriate or borrow the sum of \$1,800,000, or any other sum, for the purpose of funding the dredging of Rock Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote.

By the Select Board  
Passed – 2/3rds vote declared by Moderator  
Count: Yes 282 No 40

**ARTICLE 3D (BOND AUTHORIZATION – WASTEWATER ENGINEERING AND DESIGN)**

A motion was made and seconded by the Select Board to raise and appropriate or borrow the sum of \$5,950,000, or any other sum, for the purpose of funding the planning, design, engineering, and permitting of a Town wastewater system, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote.

By the Select Board  
Passed – 2/3rds vote declared by Moderator  
Count: Yes 302 No 25



**ARTICLE 4A (OTHER APPROPRIATIONS)**

A motion was made and seconded by the Select Board to raise and appropriate from Free Cash, and/or transfer from available funds, a sum of monies for the following purposes.

	<b>Fund</b>	<b>Amount</b>
A	Transfer to Stabilization Fund	200,000
B	Transfer to Other Post-Employment Benefit Trust Fund	100,000
C	Transfer to Injured on Duty Fund	50,000
D	Transfer to Private Road Electric Fund	50,000
E	Town-Wide IT Applications	50,000
F	Business Improvement Program	75,000
G	Windmill Weekend Celebration	10,000
H	Grant Matching Funds	35,000
I	Town-wide branding & wayfinding	10,000
	<b>Total</b>	<b>\$ 580,000</b>

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 313 No 12

**ARTICLE 4B (ESTABLISH & FUND A COMPENSATED ABSENCE RESERVE FUND)**

A motion was made and seconded by the Select Board to adopt the provisions of MGL Chapter 40, Section 13D to establish a Compensated Absence Reserve Fund, so-called, and, to raise and appropriate from Free Cash the amount of \$50,000 to transfer into said fund.

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 286 No 29

**ARTICLE 4C (ESTABLISH & FUND A WASTEWATER CAPITAL STABILIZATION FUND)**

A motion was made and seconded by the Select Board to establish a Capital Stabilization Fund under the provisions of MGL Chapter 40, Section 5B, and, to raise and appropriate from Free Cash the amount of \$750,000 to transfer into said fund.

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 297 No 25

**ARTICLE 4D (AUTHORIZATION OF LEASES)**

A motion was made and seconded by the Select Board to transfer the care, custody, management and control of the land described in this article from the Select Board for general municipal purposes and also for the purpose of leasing to a communications service’s provider for construction, use, and maintenance of a communications service facility or facilities for a term not to exceed twenty-five years. Said land being a portion of the parcel showing on Assessors Map 5 as Block B28-25 (north of the Tilcon-Capaldi site) consisting of 10.3 acres subject to an easement to Cape and Vineyard Electric Co. and the parcel shown on Assessors Map 15 as lot 060 and 060A (the Police Station) and to authorize the Select Board to enter into such a lease on such terms and conditions as the Select Board shall determine.

By the Select Board

Passed – 2/3rds vote declared by Moderator  
Count: Yes 311 No 10

**ARTICLE 4E (FIVE YEAR CONTRACTS)**

A motion was made and seconded by the Select Board to authorize the Town to enter into five (5) year contracts with qualified vendors, for the following supplies and services: contracts for cyclical assessing re-valuation and cyclical re-certification services, stun gun supplies, municipal electric utilities, copy machine maintenance and repair services, GIS software maintenance contracts, town website services, public water system billing services, water system operation and maintenance services and contracts for water meters, and electronic voting services subject to the Town Manager’s determination that the contract is in the best interests of the Town and subject to Town Meeting approval for funding for these services.

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 303 No 15

**ARTICLE 5A (LOCATION OF TOWN MEETING IF NAUSET REGIONAL HIGH SCHOOL IS NOT AVAILABLE)**

A motion was made and seconded by the Select Board to authorize the Town to add a new section 5 to Chapter 4 of the Town’s General Bylaws, Administration of Government, as follows:

**4-5. Location of Town Meeting**

In the event that the Select Board determines that no suitable location is available to conduct a Special or Annual Town Meeting, the Board may call for such Town Meeting to be conducted at a suitable location in Orleans or Wellfleet.

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 315 No 08

**ARTICLE 5B (AUTHORIZE TOWN CLERK OFFICE TO BE CLOSED SATURDAYS)**

A motion was made and seconded by the Select Board to accept, in accordance with MGL Chapter 41, Section 110A, to authorize the Town Clerk’s office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office.

By the Select Board

Passed – Majority vote declared by Moderator  
Count: Yes 308 No 15

**ARTICLE 5C (CONSOLIDATE BOARD OF CEMETERY COMMISSIONERS & HISTORIC COMMISSION)**

A motion was made and seconded by the Select Board to amend the Town Charter by adding a new §C6-7 to read as follows:

§C6-7. The Historical Commission, in addition to its powers and duties pursuant to General Laws Chapter 40, Section 8D, shall also serve as the Board of Cemetery Commissioners, and shall possess all of the powers and duties of a Board of Cemetery Commissioners established under General Laws Chapter 114, Section 23.

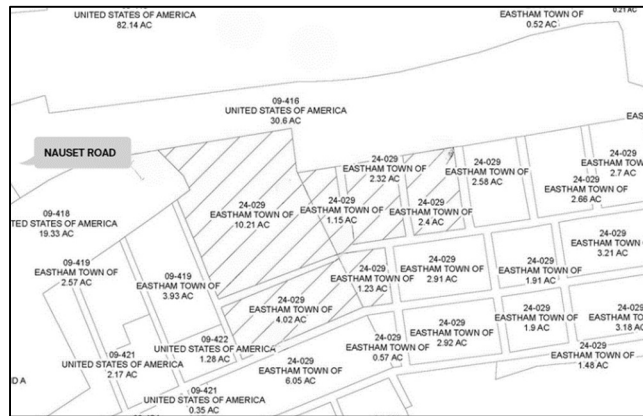
By the Select Board

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 320 No 03



**ARTICLE 6 (PETITION THE GENERAL COURT FOR PERMANENT CONSERVATION RESTRICTION)**

A motion was made and seconded by the Select Board to petition the general court for special legislation to transfer the care, custody, management and control of a parcel of land off Ocean View Drive, Eastham, containing 21.3± acres, shown as “Proposed Parcel for Conservation Restriction, Total Acreage= 21.3 Acres” on a plan entitled “District H- Conservation Restriction Boundary Plan, Eastham, MA,” prepared by Environmental Partners Group, a copy of which is on file with the Town Clerk’s office, and being a portion of land shown on Assessor’s Map 24 as Lots 28 and 29, from the Board of Selectmen held for recreational purposes to the Board of Selectmen for habitat and conservation purposes; and further to authorize the Board of Selectmen to impose on the above described parcel a perpetual declaration of restriction and to grant a perpetual conservation restriction in accordance with the provisions of G.L. Chapter 184, Section 31-34 for habitat and conservation purposes, to the Eastham Conservation Foundation, Inc., or such other qualified land trust, nonprofit organization or government entity, and to execute any other documents as may be necessary pursuant to the Conservation and Management Permit dated March 3, 2020, issued to the Town by the Commonwealth of Massachusetts Division of Fisheries and Wildlife, on such terms and conditions as the Board of Selectmen deem suitable.



By the Select Board

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 306 No 14

**ARTICLE 7A (ZONING – DEFINITIONS)**

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 21 –DEFINITIONS** as follows:

**BUILDABLE UPLAND:** Land which excludes all wetland or land under any stream, creek, ~~is not~~ swamp, pond, bog, dry bog, fresh or salt water marsh, areas of exposed groundwater, or other water body, stream, and/or which is not areas subject to flooding from high tides.

**CLEAR CUTTING:** A technique that removes all trees and/or shrubs and/or understory vegetation regardless of size or species. Actions that remove all trees but retains the understory vegetation constitutes clear cutting, actions that remove all understory vegetation but retains existing trees constitutes clear cutting, actions that remove all shrubs but retains existing trees constitutes clear cutting.

**DIAMETER AT BREAST HEIGHT (DBH):** The diameter of the trunk of a tree 4 1/2 feet above the existing grade at the base of the tree

**HAZARDOUS TREE:** A tree with a structural defect or disease, which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as identified by a Certified Arborist or the Tree Warden.

**INVASIVE SPECIES:** An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes.

**LEGACY TREE:** A native, introduced or naturalized tree, as defined herein, which is 24” Diameter at Breast Height (DBH) or larger, or multi stemmed trees with a combined DBH equal to or greater than 24”.

**LOT AREA:** ~~The horizontal area of a lot exclusive of any area under water, or within a road layout.~~

**LOT AREA: REQUIREMENTS:** The horizontal area of a lot ~~calculated as ion of the minimum lot area shall including~~ only contiguous upland and shall excluding all wetland or land under any stream, creek, swamp, pond, bog, dry bog, fresh or salt water marsh, areas of exposed groundwater, or other water body, areas subject to flooding from high tides, and areas within a road layout, such that said therefore such upland area shall contain the minimum required area for buildable lots in the district.

**NEIGHBORHOOD:** Parties in Interest per MGL Ch.40A Sec. 9: the Property of the petitioner, properties of direct abutters to petitioner’s property, properties of owners of land directly opposite the subject property on any public or private street, properties of abutters to abutters within 300 feet of any property line of the petitioner’s property, and at the discretion of the regulatory board, properties located across an adjacent body of water and/or properties within an established subdivision.

**REPLACEMENT TREE:** Native Trees and/or shrubs to replace trees/shrubs that are: (a) approved for removal by the Planning Board, Zoning Board or its designees and require replacement, or (b) any tree that is damaged as a result of site work in areas under the purview of Zoning Bylaw Section 6.11.

**SIGNIFICANT BUILDING:** Any building or portion thereof, which is not within a regional or local historic district subject to regulation under the provisions of Massachusetts General Law 40C or special act of Legislature, but which is included in the historical survey of the Town of Eastham and on file with the Massachusetts Historical Commission, or

- a. Is in whole or part seventy-five or more years old, and/or
- b. Is listed in, or is within an area listed in the National Register of Historic Places, or the State Register of Historic Places, or is the subject of a pending application for listing in said Registers, or has previously been determined to be eligible for listing in the National Register of Historic Places, and/or
- c. Has been previously determined by vote of the Commission to be:
  1. Historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder, or
  2. Is importantly associated with one or more historic persons or events, or the broad architectural, political, economic or social history of the Town or Commonwealth, provided that the owner of such a building and the Building Inspector have been notified, in hand or by certified mail within ten (10) days of such Commission vote.

**SITE COVERAGE:** The sum of the gross horizontal area of the floors of a dwelling including the square footage of any permanently roofed accessory structures such as sheds, garages, screen porches and covered decks but excluding ~~unfinished~~ attic areas, ~~unfinished~~ basement areas, sheds under 200 square feet and farmer’s porches.

**SITE COVERAGE RATIO:** The ratio of the total gross area of Site Coverage on one lot to the gross area of the lot Lot Area.

**UNDERSTORY VEGETATION:** Small trees, shrubs, and ground cover plants, growing beneath and shaded by the canopy of trees.

By Eastham Planning Board

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 272 No 47

## ARTICLE 7B (ZONING – CLEAR CUTTING BYLAW)

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 6 PROHIBITED USES** by adding a new **SUBSECTION 6.11 CLEAR CUTTING** as follows:

### **6.11 Clear Cutting**

Purpose:

To encourage the preservation and protection of trees during demolition and construction activity. To enhance the desirability and sustainability of residential neighborhoods and protect the rural character of the town and its sensitive environment. To balance the rights of individual property owners to develop their properties in accordance with existing local and State laws with the public good of the overall health, safety and welfare interests of the community.

The following activities are prohibited in all zoning districts:

Undeveloped Lots: No person shall undertake Clear Cutting and/or removal of Legacy Trees as defined in this bylaw for construction and/or site development purposes on an undeveloped lot without first obtaining a foundation permit or a building permit from the Eastham Building Department.

Developed Lots: No person shall undertake Clear Cutting and/or removal of Legacy Trees as defined in this bylaw within a six (6) foot wide perimeter of the lot (*see zoning bylaw section 7.2.6 and section 10.1.4.4*) without the approval by the Town of Eastham Planning Board or its designee.

If after obtaining all necessary permits and approvals, such work is commenced and then abandoned, all areas of the site which were disturbed during construction or site preparation shall be re-vegetated in a manner sufficient to avoid erosion.

#### **6.11.1 Exemptions**

The provisions of this by-law shall not apply to the following circumstances or activities:

1. Active, existing commercial operation of agricultural and horticultural uses, including (but not limited to), tree nurseries, orchards, and botanical gardens are exempt but new operations must obtain site plan approval from the Planning Board before commencing clearing or removal of trees.
2. Routine maintenance of vegetation and removal of hazardous trees, dead or diseased limbs necessary to maintain health of cultivated plants, to contain noxious weeds and/or vines.
3. Normal maintenance and improvement of land in current agricultural use as defined in the Massachusetts Wetlands Protection Act regulations 310 CMR 10.04.
4. Maintenance to prevent or reduce the risk of fire per order of the Fire Department.
5. Any work of projects approved by the Planning Board and/or Conservation Commission for which necessary local approvals and permits have been issued prior to the effective date of this by-law.
6. Maintenance of public and private streets or town-approved roadway layouts and easements.
7. Maintenance of public utilities.
8. Removal of trees as part of a Habitat Restoration Plan approved by the Conservation Commission, The Department of Ecological Restoration and/or MA NHESP.
9. Site work reasonably necessary for conducting land survey or tests required as a condition precedent to the issuance of any permit or approval, provided such site work does not result in removal of more than 50% of existing vegetation.
10. Solar exemptions under applicable state building and energy codes.

By Eastham Planning Board

Amendment was made and seconded from section 6.11 Clear Cutting beginning paragraph four: Developed Lots to strike out “and/or removal of Legacy Trees”.

Amendment Failed - Majority vote declared by Moderator  
Count: Yes 64 No 235

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 252 No 42

### **ARTICLE 7C (ZONING – SETBACKS)**

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 7.2 SETBACKS** as follows:

#### **7.2.5 Detached Accessory Buildings and Structures**

Setback requirements for detached accessory buildings and structures used for any purpose, in-ground and above ground pools including surrounding deck/patio areas and paved courts used for recreational purposes in Districts A, B, 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

#### **7.2.6 Perimeter Vegetation**

An area not less than six (6) feet in width measured from and perpendicular to the lot line around the perimeter of the lot shall be landscaped with grass, trees, shrubs or other plants. Portions of this area may be paved for pedestrian and vehicular access but at no time shall the pedestrian and/or vehicular access be located within 6 feet of the side property lines.

By Eastham Planning Board

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 237 No 47

### **ARTICLE 7D (ZONING – RESIDENTIAL LOT INTENSITY)**

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 7.4 RESIDENTIAL LOT INTENSITY** as follows:

#### **7.4 RESIDENTIAL LOT INTENSITY**

The effective date of Section 7.4 shall be May 6, 2023. These requirements shall not apply to applications submitted to the Planning Board and stamped received by the Eastham Town Clerk prior to May 6, 2023.

##### **7.4.1 Purpose**

The purpose of this section is to ensure that residential development is designed in a manner that does not overwhelm Eastham’s distinctive character as a rural seaside community; does not detract from its geographic diversity, its sensitive environment; is built in compatibility with past development practices with regard to mass, scale, height, bulk, site coverage and which preserves

the historical development patterns and character of the town in a manner consistent with the principles of Eastham’s Strategic Plan. Development standards described herein are intended to be one criteria for consideration of proposed projects. The standards will be evaluated in conjunction with the established prevailing characteristics of the neighborhood as defined in Section 21.

**7.4.2 Residential Development Standards**

The following standards shall apply to all residential development in District A (Residential), District E (Residential and Limited Commercial), \*District F (Seashore), District G (Water Resource Protection), District H (Wellfield Protection)

*\*Nothing in this bylaw shall be construed as altering or preempting the provisions of District F (Seashore). Owners of property located within District F are advised to consult with representatives from the Cape Cod National Seashore before seeking any permits and/or regulatory approvals from the Town of Eastham.*

**7.4.3 Site Coverage Standards**

For development that requires site plan approval and/or site plan special permit approval, maximum site coverage percentage and/or gross floor areas may not be approved if the regulatory board finds that in conjunction with the applicable standards and criteria listed under Section 10.3.2, the proposed percentages or gross floor areas are not consistent with the purposes listed in section 10.3.

**Pre-Existing Non-Conforming Structures**

Pre-existing non-conforming structures may expand by multiplying the maximum site coverage percentage corresponding to the size of the lot on which such structure is located to the structure’s existing gross floor area, subject to special permit approval.

*(Example: A pre-existing non-conforming 3,200 SF structure located on a 10,000 SF lot may expand by a maximum of 15% or 480 SF.)*

<u>LOT SIZE</u> (SF)	<u>SITE COVERAGE LIMIT</u> % or GFA (the greater of)		<u>MAX BUILDING GFA RANGE</u> (SF) <i>For Illustration Purposes</i>
	<u>MAX SITE COVERAGE %</u>	<u>MAX BLDG GFA (SF)</u>	
0 – 9,999	20%	1,500	1,500 - 2,000
10,000 – 19,999	15%	2,000	2,000 - 3,000
20,000 – 29,999	13%	3,000	3,000 - 3,900
30,000 – 39,999	12%	3,900	3,900 - 4,800
40,000 – 49,999	11%	4,800	4,800 - 5,500
50,000 +	---	6,000	6,000

**Regulatory Review Requirements**

**Planning Board Approval**

**7.4.4.1 Site Plan Approval - Residential**

Site Plan Approval under Section 10 of this Zoning By-law shall be required for any addition, expansion or construction on a residential lot that meets the following requirements:

7.4.4.2 Any lot under 10,000 square feet where a proposed addition or expansion of an existing dwelling exceeds 2.5% of the lot area and/or the site coverage ratio including the addition is equal to or greater than 15% and where the site coverage ratio for a new dwelling or the addition of an accessory building causes the site coverage ratio to be equal to or greater than 15% of the lot area.

- 7.4.1 ~~Any lot between 10,000 – 19,999 square feet~~ ~~Any lot under 20,000 square feet~~ where a proposed addition or expansion of an existing dwelling exceeds 2.5% of the lot area and/or the site coverage ratio including the addition is equal to ~~exceeds~~ 15% and where the site coverage ratio for a new dwelling or the addition of an accessory building causes the site coverage ratio to be equal to ~~exceed~~ 15% of the lot area and/or equal to or greater than 2,000 square feet.
- 7.4.2 Any lot containing 20,000 square feet or more, where the site coverage exceeds 3,000 7.4.4.4 square feet.
- 7.4.3 Any lot containing 40,000 square feet or more with a deed restricted two-family dwelling 7.4.4.5 proposed in accordance with Section 7.1.2 of this By-laws.
- 7.4.4 Any proposed addition to or expansion of an existing dwelling or accessory structure in 7.4.4.6 District F: Seashore District must submit an application to the Eastham Planning Board under Section 11– Site Plan Approval – Residential, if the addition or expansion exceeds 200 square feet.
- 7.4.5 Any project resulting in an increase of 200 square feet or less of site coverage, as defined 7.4.4.7 in Section 21 of the Eastham Zoning Bylaw, shall be exempt from Site Plan Approval – Residential. No more than one (1) exemption shall be granted within a five (5) year period.
- 7.4.6 Any interior changes to existing framed structures where alterations will not result in 7.4.4.8 changes to the exterior of the building footprint or visible changes to the site are exempt from site plan review.

**7.4.9 Zoning Board of Appeals Approval**

**7.4.9.1 Site Plan Approval Special Permit**

Site Plan Approval Special Permit under Section 10 of this Zoning By-law shall be required for any addition, expansion or construction on a residential lot that is pre-existing non-conforming to the Site Coverage Standards under Section 7.4.2.1 of this bylaw.

**7.4.9.2 Site Plan Approval Variance**

Site Plan Approval Variance under M.G.L Chapter 40A Section 10 shall be required for any addition, expansion or construction on a residential lot that conforms to and seeks to exceed the Site Coverage Standards under Section 7.4.2.1 of this bylaw.

By Eastham Planning Board

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 249 No 29

**ARTICLE 7E (ZONING – INCLUSIONARY BYLAW)**

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 7.7.4 PROVISION OF AFFORDABLE UNITS** as follows:

1. As a condition of approval for a special permit, the applicant shall contribute to the local stock of affordable and workforce housing units in accordance with the following requirements.

TOTAL UNITS PROPOSED	MARKET RATE UNITS	AFFORDABLE/ WORKFORCE UNITS REQUIRED	% AFFORDABLE/ WORKFORCE UNITS
16	13	3	<del>24%</del> 19%

By Eastham Planning Board

Passed – Majority Vote declared by Moderator  
Count: Yes 261 No 09

## **ARTICLE 7F (ZONING – PERIMETER VEGETATION)**

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 10.1.4 PROCEDURES FOR SITE PLAN REVIEW** by adding a new **SUBSECTION 10.1.6 PERIMETER VEGETATION** as follows:

### **10.1.6 Perimeter Vegetation**

Clear cutting of vegetation within the six (6) foot perimeter vegetation setback, as defined in Section 7.2.6, where removal of vegetation is not subject to any other regulatory review may be approved by the Planning Board or its designee without a public hearing provided that abutters sharing a common lot line have been notified of proposed site work no less than fourteen (14) days prior to the date of approval. Any party aggrieved by Planning Board designee's determination may appeal to the Planning Board within 10 days of date of determination. The Planning Board shall utilize applicable sections of site plan approval Section 10.

By Eastham Planning Board

Passed – Two-Thirds Vote declared by Moderator

Count: Yes 245 No 21

## **ARTICLE 7G (ZONING – SITE PLAN REVIEW STANDARDS)**

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 10.3.2 STANDARDS AND CRITERIA** as follows:

### **10.3.2 STANDARDS AND CRITERIA**

The Planning Board ~~and in the case of Site Plan Special Permit, the Zoning Board of Appeals,~~ shall approve a site plan in the form submitted or with such reasonable conditions relating to the standards and criteria delineated in this section.

1. The landscape shall be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes and the removal of native vegetation and soil.
  - **Landscaping:** Grade changes, plantings, fencing, and other aspects of landscaping, shall be compatible with the existing natural vegetation on the lot and surrounding area. Clearing of existing native vegetation shall be minimized to the greatest extent possible. Proposed landscaping shall integrate with buildings on the lot and with abutting properties. A minimum of 50% of proposed plants shall be species native to Cape Cod and which are appropriate to the site.
2. ~~The proposed development shall relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.~~
3. Proposed development shall be ~~in harmony~~ compatible with the prevailing character ~~height and scale~~ of other buildings and uses on the site ~~and~~ in the neighborhood and the Town through the use of appropriate height, scale, massing, setbacks, building materials, screening, lighting and other architectural techniques.
  - **Prevailing Character:** Examples of distinguishing architectural features, height, scale, massing, setbacks and average site coverage based on best available information within the neighborhood shall be considered in context with the proposed development as

elements of the prevailing character of the neighborhood. Distinguishing architectural features and examples of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where feasible and where desirable.

- **Height and Scale:** The proposed project shall be compatible with other structures on the lot and in the neighborhood and shall maintain balanced proportions in relation to building scale, height, width, roof shape and roof pitch.
  - **Massing:** The proposed project shall maintain balanced proportions in relation to the lot area and other structures in the neighborhood. The proposed project shall utilize architectural techniques to help reduce the building massing, including but not limited to the following:
    - The use of dormers, upper floor setbacks, large overhangs, porches and façade variation.
    - The use of interconnected building elements to help make the structure appear smaller than a single mass of the same volume.
  - **Setbacks:** Where feasible and/or permitted, the proposed project shall be sited on the lot in order to maintain and/or enhance or if applicable, create a street front appropriate to the prevailing character of the neighborhood.
  - **Building Materials:** The exterior siding, roof, windows, doors, and trim shall be compatible with desirable and traditional materials used in the community or found within the neighborhood. The use of innovative building materials shall not be discouraged or prohibited provided they are compatible with the prevailing character of the neighborhood.
  - **Lighting:** Exterior lighting shall be down shielded to minimize light pollution.
  - **Architectural Techniques:** Where feasible and/or applicable, the short dimension of the structure shall be oriented toward the street and garage doors shall be oriented away from the street.
4. Proposed building sites shall avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
- Unique physical features and sensitive habitats on the site and/or in the neighborhood shall be considered in context and where feasible, shall be incorporated into the proposed project.
5. The protection of unique or significant environmental resources including protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies.
- Where applicable, the proposed project shall demonstrate avoidance and/or mitigation of detrimental environmental impacts resulting from development.
6. The site plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
- The proposed project shall provide adequate site lines for vehicles entering and exiting the property.
  - Whenever feasible, the proposed project shall provide adequate space to allow vehicles, including emergency vehicles, to turn around on the property.
  - Whenever feasible, avoid straight entrance driveways.

By Eastham Planning Board

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 241 No 21



## ARTICLE 7H (ZONING – ZBA REVIEW STANDARDS)

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

A motion was made and seconded by the Select Board to amend the Eastham Zoning Bylaw, **SECTION 4.4 NON-CONFORMING USES** as follows:

It shall be the responsibility of the applicant for any Special Permit to demonstrate, to the satisfaction of the Special Permit Granting Authority, that criteria including, but not limited to, the following are met:

1. Adequacy of the site, in terms of size, for the proposed structure or use;
2. Suitability of the site for the proposed structure or use with regard to the purpose and intent of the zoning district;
3. Adequacy of traffic flow management within the site as well as in relation to adjoining Streets and properties so as to minimize unsafe and harmful impacts;
  - The proposed project shall provide adequate site lines for vehicles entering and exiting the property.
  - Whenever feasible, the proposed project shall provide adequate space to allow vehicles, including emergency vehicles, to turn around on the property.
4. Compatibility of the proposed structure or use with surrounding land uses so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values;
  - **Prevailing Character:** Examples of distinguishing architectural features, height, scale, massing, setbacks and average site coverage based on best available information within the neighborhood shall be considered in context with the proposed development as elements of the prevailing character of the neighborhood. Distinguishing architectural features and examples of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where feasible and where desirable.
  - **Height and Scale:** The proposed project shall be compatible with other structures on the lot and in the neighborhood and shall maintain balanced proportions in relation to building scale, height, width, roof shape and roof pitch.
  - **Massing:** The proposed project shall maintain balanced proportions in relation to the lot area and other structures in the neighborhood.
  - **Setbacks:** Where feasible and/or permitted, the proposed project shall be sited on the lot to maintain and/or enhance or if applicable, create a street front appropriate to the prevailing character of the neighborhood.
  - **Building Materials:** The exterior siding, roof, windows, doors, and trim shall be compatible with desirable and traditional materials used in the community. The use of innovative building materials shall not be discouraged or prohibited provided they are compatible with the prevailing character of the neighborhood.
5. Adequacy of the method of sewage disposal, source of potable water and site drainage;
6. Protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies;
7. Adequacy of provision of utilities and other necessary or desirable public services;
8. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and the neighborhood;
9. Protection from degradation and alteration of the natural environment, including, but not limited to, slopes and other topographical features, vegetation, wetlands, and wildlife habitat.

By Eastham Planning Board

Passed – Two-Thirds Vote declared by Moderator  
Count: Yes 239 No 20

**ARTICLE 8 (COMMUNITY PRESERVATION COMMITTEE RECOMMENDED  
APPROPRIATIONS, RESERVATIONS AND PROJECTS)**

A motion was made and seconded by the Select Board to approve and appropriate, pursuant to Massachusetts General Laws Chapter 44B, the recommended appropriations and reservations of the Community Preservation Act estimated annual revenues for FY2024 as indicated in item “A” below, and furthermore, to approve the recommended projects of the community Preservation Committee listed below as items “B” through “I” and to appropriate and/or transfer the amounts from the funding sources indicated for the purposes described.

By Community Preservation Committee

**ARTICLE 8A (Appropriation and Reservations of Community Preservation Act FY 23 Estimated  
Annual Revenues)**

A motion was made and seconded by the Select Board to appropriate and reserve \$1,144,139 of the FY25 estimated annual revenues of the Community Preservation Act as follows:

Reserve for Open Space: \$114,414  
Reserve for Historic Preservation: \$114,414  
Reserve for Affordable Housing: \$114,414  
Reserve for Active Recreation: \$114,414  
CPA Administration: \$57,207  
Reserve for Appropriation: \$629,276

Passed – Majority Vote declared by Moderator  
Count: Yes 251 No 07

**ARTICLES 8B – 8H MODERATOR CONSOLIDATED WITHOUT ANY OBJECTIONS**

A motion was made and seconded by the Select Board to consolidate articles 8B through 8H and authorize Selectboard to acquire the restrictions on said properties with a total sum of \$1,232,000.

**ARTICLE 8B (Fund Cape Housing Institute)**

A motion was made and seconded by the Select Board to appropriate and transfer \$7,500 from the Community Preservation Fund Affordable Housing Fund Reserves for the purposes of funding the “Cape Housing Institute”.

**ARTICLE 8C (Fund Eastham Affordable Housing Trust)**

A motion was made and seconded by the Select Board to appropriate and transfer \$300,000 from the Community Preservation Fund Affordable Housing Fund Reserves and \$100,000 from the Undesignated Fund Balance to provide funding to the Eastham Affordable Housing Trust in support of housing assistance programs.

**ARTICLE 8D (HAC/ORLEANS HOUSING PROJECT)**

A motion was made and seconded by the Select Board to appropriate and transfer \$100,000 from the Undesignated Fund Balance to provide funding to the Housing Assistance Corporation of Cape Cod to assist in funding, the construction of the “107 Main Street Affordable Housing Project” a 14-unit affordable rental housing development located in Orleans.

**ARTICLE 8E (HISTORIC PROPERTY SURVEY)**

A motion was made and seconded by the Select Board to appropriate and transfer \$40,000 Community Preservation Fund Historic Preservation Fund Reserves for the purpose of conducting a survey to identify and describe significant historic buildings, structures, archeological sites and landscapes within the Town of Eastham.

**ARTICLE 8F (OPEN SPACE LAND PURCHASE)**

A motion was made and seconded by the Select Board to appropriate and transfer \$50,000 Community Preservation Fund Open Space Fund Reserves to support the purchase of a one-acre undeveloped property located at 100 Cole Road for the purpose of open space preservation.

**ARTICLE 8G (WILEY PARK SHADE SHELTER)**

A motion was made and seconded by the Select Board to appropriate and transfer \$55,000 Community Preservation Fund Active Recreation Fund Reserves for the purchase and installation of a shade shelter at Wiley Park.

**ARTICLE 8H (TOWN HALL RENOVATIONS)**

A motion was made and seconded by the Select Board to appropriate and transfer \$680,000 Community Preservation Fund Undesignated Fund Balance for the purpose of repairing and rehabilitating the exterior of the Eastham Town Hall.

Passed – Majority Vote declared by Moderator  
Count: Yes 248 No 10

**ARTICLE 9 (PETITION – PLASTIC REDUCTION)**

To see if the Town will amend the Town's General Bylaw by inserting a new bylaw entitled, Plastic Reduction, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

**CHAPTER \_\_\_ : PLASTIC REDUCTION**

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

**Effective Date:** This Bylaw shall take effect on September 1, 2024.

**Purpose and Intent**

Plastic food containers and single-use utensils form a significant portion of the solid waste stream going into landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost. Plastic food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries. If incinerated the toxins in plastic are linked to cancer and threaten our air quality. Appropriate alternative and sustainable products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible. Thus, elimination of plastic food containers and utensils is in the best interest of the health and welfare of Town inhabitants.

**Definitions**

**"Disposable Food Service Container"** means single-use disposable products for serving or transporting prepared, ready-to-consume food. This includes plates, bowls, trays, hinged or lidded containers, and utensils.

**"Food Establishment"** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purposes of this Bylaw.

**"Plastic"** is defined as any type of plastic resin, which may contain recycled material, and may be sold as recyclable, biodegradable, or compostable. The material is commonly categorized in terms of # 1, #2, #3, #4, #5, #6, #7; plastic as referenced includes all categories.

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

**"Town Facility"** means any building, structure, land, or park owned or operated by the Town of Eastham, its agents and departments.

**"Town Facility Users"** means all persons, societies, associations, organizations, or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events, and food services provided at the Town's expense.

### **Prohibition**

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers and utensils made from Plastic.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Plastic and providing utensils made from Plastic.

Public and private schools, educational institutions, summer camps, childcare facilities, and other childcare programs approved to participate in USDA Child Nutrition Programs are exempt.

### **Administration and Enforcement**

This Bylaw is enforced by the Town Administrator, or any committee appointed by them. Any Food Establishment or Town Facility User which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: Written warning

2nd Offense: \$150 fine

3rd Offense and Subsequent Offenses: \$300 fine

**AMENDMENT made and seconded to change "the effective date of this article shall be revised to read from September 1, 2024 to January 01, 2025 and under the heading "Prohibitions" the following statement to be added; this article excludes all beverages prepared at food establishments.**

By Petitioner

Amendment Failed - Majority Vote declared by Moderator  
Count: Yes 227 No 17

After debate, the question was called and seconded.

Failed – Majority Vote declared by Moderator  
Count: Yes 66 No 172

There being no further action of Town Meeting, the Select board moved and seconded a motion to dissolve Town Meeting at 1:20PM. The Moderator declared Town Meeting dissolved after a unanimous vote by the voters.

A True Copy Attest:

Cindy Nicholson, CMC  
Town Clerk