

E. J. Janssen

1971

BUILDING CODE
and
Zoning By-Laws

1966



Town of
WAREHAM

WAREHAM BY-LAWS

Regulating the Erection, Alteration and Repair of Buildings and the Inspection of same in the Town of Wareham, as amended:

ARTICLE I

General Provisions

Section 1: Except as herein-after provided, no building shall be erected, altered or repaired except in conformity with the provisions of these by-laws.

Section 2: No dwelling, house or other structure of more than 64 square feet of floor area and 7 feet, six inches in height from the top floor joist to top of plate shall be erected, altered or repaired, except in conformity with provisions of these by-laws.

ARTICLE II

Exemptions and Definitions

Section 1: The provisions of this by-law shall not apply to:

- a. Buildings or structures owned or occupied by the United States or the Commonwealth of Mass.
- b. Bridges, quays, wharfs.
- c. Ordinary repairs as defined in Article 3.

ARTICLE III

Repairs

Section 1: Ordinary repairs to buildings may be made without permit provided such repairs do not include the cutting away of any wall, in whole or in part, the removal of which would tend to weaken the structure.

ARTICLE IV

Preliminary Requirements and Permits

Section 1: No person shall construct, alter or substantially repair any building or structure without having first obtained a permit for the same from the Building Inspector.

Section 2: For the construction, alteration or repair of any building, a sketch shall be submitted to the Building Inspector before issuance of a permit for same.

Section 3: No building shall be moved into the Town without first obtaining a permit, and said

structure must conform with the existing building laws.

Section 4: No building within this town shall be moved without first obtaining a moving permit, and the building shall comply with the zoning by-laws for the new location.

Section 5: No building shall be converted in whole or in part into a habitable building without first obtaining a building permit and said structure must conform with the existing building laws applicable to new buildings.

Section 6: Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months after its issuance; provided that for cause, one or more extensions of time, for periods not exceeding ninety days each, may be allowed in writing by the Building Inspector.

ARTICLE V

Classifications

Section 1: All future buildings shall be governed by one of two classes of construction; namely, A and B types.

ARTICLE VI

A-Type Construction and Regulations Governing

Section 1: Type A construction shall prevail in the erection of Assembly Halls, Theatres, etc.

ARTICLE VII

B-Type Construction and Regulations Governing

Section 1: Type B construction shall prevail in the erection of all buildings other than Type A.

Section 2: Foundations.

All buildings, additions hereafter erected shall be set on solid foundations, piers of concrete, cement blocks or metal pipe columns both of which shall be filled with concrete, each pier or pipe column shall rest on a footing, the base of which shall be a minimum of 24 inches below the present grade on undisturbed ground. Each pier or column footing for a one or one and one-half story habitable structure shall be not less than 20 inches wide, 20 inches long and 8 inches in depth, center to center dimensions of piers or pipe columns shall not be more than 6

feet horizontal linear dimension, pipe columns shall not be less than 3½ inches external diameter and not over 8 feet in length. Pipe columns over 8 feet in length, its external diameter shall be governed by its length and carrying load. Concrete or cement block piers shall not be less than 8 inches wide by 12 inches long. Where continuous foundation walls are used in lieu of piers or columns the walls shall rest on a continuous footing. The size of footing shall be governed by the thickness of the foundation wall, thus the width of a footing shall be twice the thickness and the depth the same as the thickness. Footings shall be formed and poured with concrete on solid ground, and shall meet the requirements of the Building Inspector. When cement blocks are used for foundation walls, blocks shall be filled solid one block wide from footing to underside of girder so as to form a pier. When foundations do not form a continuous wall, and piers are used, in lieu of a foundation wall, the voids between piers under the sills shall be sealed with a fire resistive material. Sealing material shall extend from pier to pier and from under side of sill to 6 inches below grade of ground.

Section 3: Sills and Girders.

Sills shall be of a lumber the dimension not less than a 4"x6" or 2-2"x6" laid flat on solid foundations. If foundations are piers, sill shall not be less than a 4"x6" laid on edge. A box sill is permissible if laid on a solid foundation wall and if double headers are placed over all openings in foundation walls. Girders shall be of steel or of lumber of a dimension not less than a 6"x8" or 3-2"x8" set on piers described in Article 7, Section 2. If open frame construction as one or two-car garages, roadside stands, or accessory buildings is used, 2"x6" sill is permissible if bolted to a solid foundation.

Section 4: Floor Joists.

First floor joists shall be of a dimension of 2"x8" or more placed not over 16" on centers with a maximum span of 14 feet; 2"x6" joist spaced 12" on center may be used with a maximum span of 10 feet. Where floor timbers are 10

feet or over solid or cross bridging is required. Floor joist shall be doubled under all partitions running parallel to the floor joist. Where floor joists are abutted into side of wood girders or double headers, metal joist hangers must be used. Floor joists framed into masonry walls shall have not less than 4 inch bearing and a 3 inch fire or bevel cut. All headers shall be doubled. Where floor joists are butted over a girder, the joist must have a 2-foot scab and a depth equal to the depth of the joist. All ceiling joists shall be framed with 2"x6", 16" on center. Habitable floors above the first floor shall be framed in accordance with this section as specified for first floor joists. If open frame construction such as one or two-car garages, roadside stands or accessory buildings is used, 2"x6" floor joists may be used 16" on center but not to exceed 10' in length.

Section 5: Studding and Uprights.

All exterior wall studding and load bearing partitions shall be lumber of a dimension not less than 2"x4" spaced 16" on center, and double studded and headed at all window and door openings. For non-bearing partitions 2"x3" lumber placed 16" on center may be used. Corner post shall consist of 4"x6" or 3-2"x4". If open frame construction such as one or two-car garages, roadside stands or accessory buildings is used, 2"x4" studding may be used 24" on center with a 4"x4" corner post.

Section 6: Shoes and Plates.

All shoes and plates shall be of a dimension equal to studding and all plates on exterior walls and load bearing partitions must be doubled.

Section 7: Rafters.

Rafters shall be of lumber of a dimension not less than 2"x6" placed not over 16" on center. 2"x4" rafters are permissible where the run from the plate to the ridge does not exceed 8 feet and the rafters are braced or trussed with collar beams to the satisfaction of the Building Inspector.

Section 8: Bracing.

All structures of more than one story shall be corner braced or diagonally boarded. All openings in interior or exterior walls of more than 4 feet in width shall be headed by 2-2"x6" or more or shall be properly braced.

Section 9: Boarding.

No house shall be open or corn-cribbed boarded. When clapboards are to be used, buildings must be sub-boarded, with wood or suitable substitute. If exterior walls are subboarded with plywood such shall not be less than one-half inch thick plyscore. Roof and floors shall not be less than 5/8 inch plyscore. If exterior walls are not sub-boarded and Texture III is used, two rows of 2"x4" nailing blocks are to be placed between studs and evenly spaced between shoe and plate.

Section 10: Type B Masonry Structure.

Type B masonry construction may consist of walls not less than 8 inches in thickness. These may be of brick, concrete or cinder block. Roof construction shall conform with regulations set forth in Section 7, plates must be fastened to walls with bolts of a size not less than 1/2"x16", spaced not over 6 feet apart.

Section 11: Chimney and Fireplace.

All chimneys except those with solid brick walls 8" or more shall be lined with fire clay or terracotta lining, and must extend to a minimum of 24 inches above the ridge of structure. If more than one flue is used a 4" brick and cement partition shall separate each flue. No smoke pipe as so-called shall project through any internal or external wall, window or roof. Under no circumstances shall any chimney or fireplace come in contact with the framework of the structure. A minimum of 1 inch clearance is required.

Section 12: Inspection.

The Building Inspector shall be allowed to inspect construction whenever he may desire to do so. No foundation, footings shall be poured, no walls or ceilings shall be covered, until such time as the Building Inspector has approved construction.

Section 13: Materials of Equivalent Strength.

Materials of strength equivalent to the requirements of this code incorporated in methods of construction not covered by this code may be used in altering any building provided that such materials and methods of construction are approved by the Building Inspector. The Building Inspector may require the applicant to present plans, methods of analysis, and tests or other information substantiating the analysis of the systems or qualities of materials and shall make such tests or present evidence of tests required by the Building Inspector, before obtaining his approval.

ARTICLE VIII

Inspector of Buildings

Section 1: The Board of Selectmen annually in March and subsequent to the annual Town Meeting shall appoint an Inspector of Buildings to hold office for the term of one year from the first of April following and until his successor is appointed and qualified. His compensation shall be fixed by the Board of Selectmen. Said Building Inspector shall not be engaged in the construction business.

Section 2: He shall make inspections of all building operations within this town and shall annually report to the Board of Selectmen. He shall also keep records of the Department, together with recommendations of revisions of this code he may think necessary.

Section 3: No person shall be appointed as Inspector of Buildings who has not had at least five years experience as a builder, civil engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction.

ARTICLE IX
Board of Appeals

Section 1: A Board of Appeals shall be established under these by-laws. No member of the Board of Appeals shall act in any case in which he is financially interested. Every decision of the Board of Appeals shall be in writing and shall require assent of a majority of the members. An applicant for

a permit whose application has been refused by the Inspector, or any person dissatisfied with the decision of the Inspector or any matter left by this by-law to his approval or discretion, may appeal therefrom to the Board of Appeals, within ten days from the date of said refusal or decision. The Board of Appeals shall grant a hearing on each appeal of which all persons interested shall have notice. The Board of Appeals for the zoning by-laws shall be the Board of Appeals of the by-laws and shall have all the powers and duties of the Board of Appeals under the statute (Section 40) (General Laws) relating to Buildings.

ARTICLE X Variances

Section 1: Upon petition filed by any person the Board of Appeals may by unanimous decision suspend or vary the application or provisions of these by-laws in specific cases which appear to them not to have been contemplated by the by-laws, or in cases where manifest injustice is done provided the decisions shall not conflict with the spirit of the by-laws. The decision shall specify the variations allowed and the reason therefor. The Board of Appeals shall grant a hearing on every application of variance or suspension of which, all persons interested shall have notice.

ARTICLE XI Fees for Permits

Section 1: For each building permit issued by the Building Inspector for the erection, alteration or repair of buildings there shall be charged a fee to be paid into the Town Treasury. The fee schedule shall be established by the Board of Selectmen and shall become effective one week after publication in a newspaper of general circulation in the Town.

ARTICLE XII Penalty

Any person who shall build or alter any wall, building, or other structure, or part thereof, in violation of any provision of this by-law, or what shall after twenty-four hours notice from the Build-

ing Inspector maintain or use any such wall, building, or other structure or part thereof so built or altered, or shall violate any provision of this by-law, shall be punished by a fine of not more than fifty dollars (\$50.00) to be paid into the Treasury of the Town of Wareham. Each day that such violation continues shall constitute a separate offense.

Boston, Mass., June 27, 1962

The foregoing Building Code is hereby approved.

E. J. McCORMACK, JR.
Attorney General

A True Copy:

Attest:

TONY BACCHIERI
Town Clerk

* * * *

TOWN OF WAREHAM PROTECTIVE BY-LAWS

A by-law to promote the health safety, convenience, morals and welfare of the inhabitants of the Town of Wareham by dividing the Town into districts and by regulating the use and construction of buildings and premises therein, to wit:

SECTION 1 Districts

A. In accordance with Chapter 40 of the General Laws, Sections 25 to 30B, the Town of Wareham is hereby divided into six (6) types of districts designated as: Residential A, Single Residential B, Single Residential C-1, Single Residential C-2, Single Residential C-3, and Commercial D.

Description of Residential "A":

All of that part of the Town of Wareham not hereinafter described as being within the limits of Single Residential B, Single Residential C-1, Single Residential C-2, Single Residential C-3 or Commercial D.

SECTION II Use Regulations

A. In Residential Districts A buildings, structures, and premises may be used for any lawful residential, municipal, religious, educational, non-profit recreational purpose, any agricultural use, except piggeries and fur farms, and

for uses customarily necessary thereto, and for the following commercial purposes but no others.

(a) The display and sale at a roadside stand of products the major portion of which are raised on the farms or produced in the homes of the Town.

(b) The use of a room or rooms in a dwelling or accessory building for a customary home occupation including the taking of boarders or lodgers, or the practice of a profession or trade conducted by a resident of the premises, provided there is no external evidence of any business other than permitted signs.

(c) The display of not more than two (2) signs pertaining to a permitted use or advertising the sale or rental of only the premises on which they are located with a total area of not more than twelve (12) square feet.

(d) Any of the following uses, provided that it is not injurious, noxious or offensive and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the neighborhood and the town.

1. Greenhouse, nursery, cider-mill, ice house, or temporary sawmill.
2. Aviation field, golf course, boat livery, or riding stable.
3. Gravel, loam, sand or stone removal from the Town.
4. Veterinary hospital.
5. Hospital, cemetery, Boy's or Girls' Camp.
6. Neighborhood grocery store.
7. Structures for public utility corporation, not including repaid stations or outside storage of supplies.

Description of Single Residential "B"

1. **Weweantic Shores**, bounded as follows:
Northerly by a line shown on the County Commissioner's layout of Hathaway Street, Decree No. 904, as being the division line between land of Hills Brothers Company and Alice Tobey Jones Estate.

Easterly by Hathaway Street. Southerly by the Southerly line of lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 14A in said Weweantic Shores; westerly by the Weweantic River, so-called.

2. **Briarwood Beach**, bounded as follows:

Northerly by a straight line that extends from Marion Road to Beaver Dam Creek said line being the division line or its extension thereof in an easterly Direction, between the Sub-division known as Briarwood Beach and land of Peter LeSage formerly of John W. Dodge. Easterly by Beaver Dam Creek and Lazy Harbor; Southerly by the Weweantic River;

Westerly and northwesterly by the Weweantic River and the southeasterly line of said Marion Road.

3. **Cromesett Point, Cromesett Park, Swift's Beach, Swift's Neck, Hamilton Beach and adjoining areas**, bounded as follows:

Northwesterly by the Southerly right of way line of the Marion to Wareham 22KV electric transmission line now of formerly owned by the New Bedford Gas and Edison Light Co.; Northeasterly by Broad Marsh River; Easterly by the Wareham River; Southerly and southwesterly by the Weweantic River.

4. **Pinehurst Beach, Pine Point and area south of Church Ave.** bounded as follows:

Northeasterly by Church Avenue and Warr Avenue; Northwesterly by Fourth Street or its extension to Wareham River; Northeasterly and easterly by the Wareham River; Southerly and southwesterly by Eroad Marsh River; Northwesterly by the southeasterly side line of Kennedy's Lane and its extension in a southwesterly direction to said Broad Marsh River.

5. **Tempest Knob Terrace and**

- vicinity, bounded as follows:
 Northerly by Narrows Road;
 Northeasterly and south-
 easterly by land now known
 as the Town Forest;
 Southerly by land of
 Jeremiah Murphy;
 Southwesterly and westerly
 the Wareham River.
6. **Parkwood Beach**, bounded
 as follows:
 Northerly by Crab Cove
 and land of Jeremiah
 Murphy;
 Easterly by Indian Neck
 Road; Southerly by Crook-
 ed River; Westerly by
 Wareham River.
7. **Riverside and Kenmere
 Beach**, bounded as follows:
 Northerly by land of the
 New York, New Haven and
 Hartford Railroad Co.
 Easterly by Long Neck
 Road; Southeasterly by land
 of Smith Hammond Com-
 pany and Broad Cove;
 Southwesterly and westerly
 by Muddy Cove or Swift's
 River.
8. **O-ne-set Heights and adja-
 cent area**, bounded as fol-
 lows:
 Northerly by land of the
 Smith Hammond Company;
 Easterly by long Neck Road
 and Cahoon Road Extension;
 Southerly by Town Road
 shown on the Harry C.
 Gleason plan recorded with
 Plymouth County Plans
 Book, Page 458;
 Westerly by land of the
 Hammond Estate;
 Southerly again by land of
 the Hammond Estate;
 Westerly again by Broad
 Street and Broad Cove.
9. **Indian Heights, Cohasset
 Park, Buzzards Bay Terrace,
 Buzzards Bay Highlands,
 Jefferson Shores and adja-
 areas**, bounded as follows;
 Northeasterly by Red Brook;
 Easterly by Buttermilk Bay;
 Southerly by a line 200 feet
 northerly of and parallel to
 the northerly line of the
 Massachusetts State High-
 way Route No. 28, some-
 times known as Sawyer
 Road;
 Westerly by Cedar Street
 and Cohasset Road;
- Northwesterly by Red Brook
 Road.
10. **Wareham Shores**, bounded
 and described as follows:
 Northwesterly by Wareham
 River;
 Northerly by CrookedRiver;
 Easterly by Indian Neck
 Road; Southerly by Indian
 Neck Road, Long Beach
 Road, and the southerly
 lines of lots 93, 94, 95, 96,
 97, and 98.
 Southwesterly by the south-
 westerly lines of lots 99, 100,
 101, 102, 103, the southwes-
 terly line of Eldredge Road
 and the southwesterly lines
 of lots 136, 137, 138, and 139;
 Southerly again by the
 southerly line of lots 140,
 141, 142, 143, 144, 145, 146,
 147, Covell Road and the
 southerly line of lot 166;
 Southwesterly again by land
 of Joseph A. Locke;
- B. In Single Residential Dis-
 tricts B, buildings, structures, and
 premises may be used for any
 lawful religious, educational, mu-
 nicipal, or non-profit recreation-
 al purpose, for one family detach-
 ed residential purpose and for
 uses customarily necessary there-
 to, and for the following commer-
 cial purposes but no others.
- (a) The use of a room or
 rooms in a dwelling or accessory
 building for a customary home oc-
 cupation, including the taking of
 boarders or lodgers, or the pract-
 ice of a profession or trade con-
 ducted by a resident of the prem-
 ises, provided there is no external
 evidence of any business other
 than permitted signs.
- (b) The display of not more
 than two (2) signs pertaining to a
 permitted use or advertising the
 sale or rental of only the premises
 on which they are located with a
 total area of not more than twelve
 (12) square feet.
- (c) Any of the following uses,
 provided it is not injurious, noxi-
 ous or offensive and only if au-
 thorized by the Board of Appeals
 subject to appropriate conditions
 where such are deemed necessary
 to protect the neighborhood and
 the Town:
1. Greenhouse or nursery
 2. Neighborhood grocery store
 but not for the sale of alco-
 holic beverages.

3. Public service or other passenger stations.
4. Boys' or Girls' Camp.
5. Structures for public utility corporations, not including repair stations or outside storage of supplies.

Description of Residential Districts C-1, C-2 and C-3.

Residential District C-1

Land reserved by Henry M. Channing Tr. adjacent to the Town Forest, bounded as follows:

Northerly by a line 150 feet southerly of and parallel to the southerly line of Minot Avenue;
Northeasterly by the Town Forest;
Southeasterly by land of Frank Lane et al;
Southeasterly by a line about 100 feet northeasterly of and about parallel to the northeasterly line of Indian Neck Road leading from said Indian Neck Road to the Agawam Cemetery.

Residential District C-2

Indian Neck and Great Neck, bounded and described as follows:

Northerly by Crooked River;
Westerly by Indian Neck Road;
Northerly again by Crooked River Road;
Westerly again by Great Neck Road;
Northerly again by a brook draining out of the Cranberry bog of Frank Laine et al and running through Broad Marsh;
Northeasterly by Sunset Cove, sometimes called Shell Point Bay and by Onset Bay;
Easterly and southerly by Buzzards Bay;
Westerly by the Wareham River;
Except that portion now known as Wareham Shores owned by Resort Properties, Inc., and bounded as described in Section B10 above.

Residential District C-3

Sias Point, Robinhood, Nemasket Park, Long Neck and that portion of Butlerville,

bounded as follows:

Northwesterly by Onset Avenue;

Northerly by Onset Avenue and land of the New York, New Haven and Hartford Railroad Company;

Easterly by Cohasset Narrows and Buzzards Bay;

Southerly by Onset Bay;

Westerly by Pleasant Harbor, Lot H4 shown on Land court Plan 2433L and Powers Avenue;

Southerly again by Lot H1B, J18, Wild Rose Avenue and Lot J13 as shown on Sheet 3, of the Wareham Assessors' Plans;

Westerly again by land of Constantinos Goulopoulos et al; formerly of Abbie M. Ramsdell.

C. In single Residential Districts C-1, C-2, and C-3, buildings, structures and premises may be used for any lawful religious, educational, or non-profit recreational purpose, for one family detached residential purpose, any agricultural use except piggeries or fur farms, for the office of a professional person located in the dwelling in which he resides, and for uses incidental thereto and any of the following additional uses, provided it is not injurious, noxious, or offensive, and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the neighborhood and the Town;

1. The display of not more than two (2) signs pertaining to a permitted use or advertising the sale or rental of only the premises on which they are located with a total area of not more than twelve (12) square feet.
2. Golf course or tennis club.
3. Convalescent home, hospital or cemetery.
4. Structures for public utility corporations, not including repair stations or outside storage of supplies.

Description of Commercial "D"

1. Route No. 28 North:
All of the area within the limits of a strip of land 500 feet in width on the northerly

side of Route No. 28 extending from County Road on the West, easterly to the Town Park or the extension of its westerly boundary line in a northerly direction at Tihonet Road; also all the area within the limits of a strip of land 500 feet in width on the northerly side of Route No. 28 extending from the easterly side of Parker Mills Pond, easterly to Maple Spring Road; also all of the area within the limits of a strip of land 200 feet in width on the northly side of Route No. 28 extending from Maple Spring Rd. on the West; easterly to Dick's Pond sometimes called Swift's Pond; also all of the area within the limits of a strip of land 500 feet in width on the northerly side of Route No. 28 extending from said Dick's Pond on the West, easterly to Red Brook Road; also all of the area within the limits of a strip of land 200 feet in width on the northerly side of Route No. 28 extending from Red Brook Road on the West, easterly to the waters of Buttermilk Bay at Cohasset Narrows.

2. Route No. 28 South

All of the area between the southerly line of Route No. 28 and the following described line, said line beginning at a point in the easterly line of County Road and situated 500 feet southerly of the southerly line of said Route No. 28, thence running easterly and southeasterly by a line parallel to and 500 feet southerly of said southerly line of Route No. 28 to the intersection of said line with the northerly Right of Way line of the New York, New Haven, and Hartford Railroad Company near Mackies Bridge; thence running easterly and southeasterly by said Railroad Right of Way line to the Wareham River; thence turning and running northwesterly and northerly by the Wareham River to a point 500 feet southerly of the southerly line of Route No. 28;

thence turning and running easterly and southeasterly by a line parallel to and 500 feet southerly from the southerly line of said Route No. 28 to the northerly line of Sandwich Road;

thence turning and running easterly along the northerly line of Sandwich Road, crossing the new By-Pass for south bound traffic at East Wareham to a point in the north-easterly sideline thereof;

thence turning and running southeasterly crossing Sandwich Road and by the north-easterly sideline of said By-Pass to the easterly line of Tyler Avenue;

thence turning and running southerly by the easterly line of Tyler Avenue and by a line, being the extension of the easterly sideline of Tyler Avenue in a southeasterly direction to the intersection of said line with the northerly Right of Way line of the New York, New Haven and Hartford Railroad Company; thence turning and running easterly and southeasterly in said northerly Right of Way line of the New York, New Haven and Hartford Railroad Company to the waters of Buttermilk Bay at Cohasset Narrows.

3. West Wareham or Tremont:

Northwesterly by Tremont Pond;

Northerly by Main Street;

Easterly by lots L, T, U, S, R, a Private Way and Main Street as shown on plans of the Bass River Land Co., situated in West Wareham;

Southerly by land formerly of Alice Tobey Jones;

Southwesterly by land of New York, New Haven and Hartford Railroad Co.

4. Mair Street, North:

Northwesterly by land of Florence M. Waters;

Northeasterly by Wareham River;

Southeasterly by Agawam or Sandwich Road;

Southwesterly by the north-easterly line of Main Street.

5. Main Street, South:

Northwesterly by Chapel Street;

- Northeasterly by the southwesterly line of Main Street; Southeasterly by land of the Tobey Hospital; Southwesterly by a line parallel to and 200 feet southwesterly from the southwesterly line of Main Street.
6. **Narrows Road South:**
 Northerly by the southerly line of Narrows Road; Southeasterly and southwesterly by the Wareham River, consisting of the area now or formerly owned by Crooked River, Inc., and Cape Cod Shipbuilding Co.
7. **Minot Avenue, North:**
 Northerly by land of the New York, New Haven and Hartford Railroad Co.; Easterly by Great Neck Road in East Wareham; Southerly by Minot Avenue; Westerly by Indian Neck Road.
8. **Minot Avenue, South:**
 Northerly by the southerly line of Minot Avenue; Easterly by Great Neck Road in East Wareham; Southerly by a line parallel to and 250 feet southerly from the southerly line of Minot Avenue; Westerly by land of the Town of Wareham near the junction of Indian Neck Road and said Minot Avenue.

9A. Depot Street West:

Bounded: Southerly by the southerly sideline of the New York, New Haven and Hartford R. R. Co., being the North boundary of Commercial D. Minot Ave., North about 1600 feet;

Westerly and northerly by the Agawam River;

Northeasterly by the northeasterly boundary of lots 1067 and 1066;

Southeasterly by lot 1054;

Northeasterly by lots 1054, 1055, and 1056;

Southeasterly by lots 1058, 1059 and 1060;

Northeasterly by lot 1060; and Easterly by Depot Street.

All of the lot numbers mentioned in this paragraph refer to Assessors' Plat No. 43.

9. Onset Avenue, North:

All of the area within a strip of land 200 feet in width on the northeasterly side of Onset Avenue extending from the intersection of Great Neck Road and Onset Avenue in East Wareham, southeasterly to the westerly side of Union Avenue in Onset; also the area bounded Northwest-ly by Ocean Avenue.

Northeasterly by Ocean Avenue; Southeasterly by Onset Avenue; Southwesterly by Hotel Street; also the area within a strip of land 200 feet in width on the northerly side of Onset Avenue in Point Independence, extending from North Water Street easterly to the street shown as Maple Street on the plan of Mary E. Hammond Est., recorded with Plymouth County Plans, Book 3, Page 513.

10. Onset Avenue South:

All of the area within a strip of land 200 feet in width on the southwesterly side of Onset Avenue extending from Great Neck Road in East Wareham, southeasterly to the westerly side of South Boulevard;

also the area within a strip of land 200 feet in width on the southerly side of Onset Avenue in Point Independence, extending from South Water Street, easterly to Fourth Avenue.

11. Marion Road, Northwest:

All of the area bounded and described as follows:

Beginning at a point at the intersection of the easterly side of Weweantic River and the northwesterly line of Marion Road, thence running northeasterly and northerly by the northwesterly line of Marion Road to the westerly line of Hathaway Street;

thence turning and running northerly by Hathaway Street to the southerly line of lot No. 1 in Weweantic Shores;

thence turning and running westerly in the southerly line of lots 1 to 14A inclusive in Weweantic Shores and in said line extended in a westerly direction to Weweantic River;

thence turning and running in a general southwesterly and southerly direction by the Weweantic River to the point of beginning.

12. Marion Road Southeast:

All of the area within a strip of land 500 feet in width on the

southeasterly side of Marion Road, extending from a line on the southwest, which line is known as the division line of land of Peter LeSage and Briarwood Beach, northeasterly to a line running southeasterly and at right angles to the southeasterly line of Marion Road at Station 27 plus 84.38 of the 1930 Alteration Layout of said Marion Road.

Sixty (60) acres of land more or less situated on the Northwest-erly side of Marion Road (Route 6) and the Easterly side of the old road to Lincoln's Hill (Hathaway Road) bounded and described as follows:

SOUTHEASTERLY by said Marion Road, ten hundred thirty (1030) feet more or less;

WESTERLY by the center line of a brook, three hundred (300) feet more or less;

SOUTHWESTERLY by an old road known as Nichols Right of Way, five hundred (500) feet more or less;

SOUTHERLY by land now or formerly of Peter LeSage sixteen hundred (1600) feet more or less;

WESTERLY by said Hathaway Road, eight hundred (800) feet more or less;

NORTHERLY by land now or formerly of Jeremiah Murphy, twenty-six hundred seventy (2670) feet more or less;

EASTERLY by land of owners unknown and by land now or formerly of Gurney, seven hundred fifty (750) feet more or less; and

SOUTHEASTERLY by Gibbs Avenue, two hundred (200) feet more or less. Said premises being known as the Kiernan land containing sixteen (16) acres more or less, the Galligan land containing twenty and $17/100$ (20.17) acres more or less, the Nichols land containing one (1) acre more or less and the Walter E. Nichols lot containing twenty-two (22) acres more or less.

D. In Commercial District D, buildings, structures and premises may be used for:

(a) Any use permitted in a residential district.

(b) Office or bank.

(c) Place of amusement or assembly.

(d) Filling station, sales room for motor vehicles, garage, auto repair shop and auto wrecking yard upon approval of the Selectmen. All vehicles except those in safe operating condition shall be stored within an enclosed building or concealed from the street and adjacent property.

(e) Any wholesale or retail business, except junk yard; any service or public utility not involving manufacture on the premises except the products the major portion of which are sold on the premises by the producer to the consumer.

(f) Any industry or manufacturing provided it is not injurious, noxious, or offensive to the neighborhood and only if authorized by the Board of Appeals subject to appropriate conditions and safeguards.

(g) Overnight cabins, trailer coach parks, and tents only if authorized by the Board of Health and the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the neighborhood and the Town. The provisions of this section shall not, however, be construed to prohibit any property owner as tenant in any district from accommodating one auto trailer or nonpaying guests for a period not to exceed ninety (90) days in any year.

(h) The display of not more than two (2) signs other than those which are attached to and part of the architectural design of a building or structure including gas pumps, shall be permitted on each of these premises with a total area of not more than one hundred twenty (120) square feet. Location and elevation of signs over twelve (12) square feet in area within fifty feet of an abutter's sideline are subject to the approval of the Building Inspector with the right of appeal by both the petitioner and the abutter to the Board of Appeals.

(i) Outdoor advertising as regulated by the Outdoor Advertising Authority of the Commonwealth of Massachusetts.

E. Piggeries, fur farms and junk yards may be permitted in Residential A and Commercial D districts provided that they are located at least five hundred (500)

feet from any public way and other property lines and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the neighborhood and the Town.

SECTION III Area Regulations

A. Floor Area. Any building or structure erected, altered or used for dwelling purposes, except trailer coaches, in any district shall provide a total area of at least ninety (90) square feet per occupant, up to and including four (4) occupants and an additional sixty (60) square feet per additional occupant thereover, provided, however, the Board of Appeals may issue a permit for temporary occupancy of a building or structure having less than the above area, such permit to be issued for an initial period of not more than two years, and may be renewed by the Board for successive periods of not more than one year each.

B. Lot Frontage and Area

No dwelling shall be erected or placed on any lot in Residential District A, Single Residential District B, and Commercial District D unless the lot has a street frontage of at least 100 feet upon the frontage street or way, public or private, and an area of at least ten thousand (10,000) square feet.

In Single Residential District C-2, no dwelling shall be erected or placed on a lot unless the lot has a street frontage of at least one hundred fifty (150) feet upon the frontage street or way, public or private, and an area of at least thirty thousand (30,000) square feet.

In the areas of Residential District C-1 and Residential District C-3, no dwelling shall be erected or placed on any lot unless the lot has a street frontage of at least 100 feet upon the frontage street or way, public or private, and an area of at least 15,000 square feet.

Provided that not withstanding any provision of this section, the Board of Appeals may grant a va-

riance from the above requirements in accordance with Chapter 40A, Section 15 of the General Laws.

C. Front Yard. Any building or structure or part thereof, including roadside stands, gasoline pumps and accessory buildings hereafter erected or placed shall extend not nearer to the street line than (20) feet in all districts. The Board of Appeals may make exceptions to this section upon appeal or written request if the setbacks of buildings on the adjoining lots vary from this requirement.

D. Sideyards and Backyards. In any district no dwelling or part thereof shall be built within ten (10) feet of the side or rear lot line and no other building within five (5) feet of such lines.

E. Height of Buildings. In a Single Residential District no building shall be more than two and a half (2½) stories in height. In all other districts no building shall exceed in height the distance from the building to the opposite side of the street right of way.

F. Corner Clearance. Between the lines on intersecting streets and a line joining points on such lines fifteen (15) feet distance from their points of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no buildings, structure, or planting may be maintained above a height three (3) feet above the plane through their curb grades.

SECTION IV

Exceptions and Administration

A. Non-Conforming Uses. Any lawful building, or structure or use of a building, structure or premises existing at the time this By-Law or any amendment thereto is adopted, even if not in conformity with its provisions, may be continued and, if authorized by the Board of Appeals, may be rebuilt if damaged or destroyed, enlarged, or changed to a specific new use not substantially different in character or more detrimental or objectional to a neighborhood, provided that if the building or premises, or use thereof has been or shall be discontinued for a period of one year, it

shall not be re-established, and future use of said building, structure, or premises shall be in conformity with this By-Law.

B. Board of Appeals. There shall be a Board of Appeals of five members and three associate members appointed by the Selectmen as provided in Chapter 40, General Laws, Section 30, which shall act on all matters within its jurisdiction under this by-law in the manner prescribed in said Chapter of the General Laws.

The Board established here under shall act as the Board of Appeals under the local building and zoning by-laws respectively, and under the provisions of Chapter 40 of the General Laws.

All provisions of the building by-laws and the zoning by-laws for the establishment of a Board of Appeals, the number of members thereof, their term of office and their powers and duties so far as the same are inconsistent herewith are hereby repealed and this by-law is established in place thereof and in substitution thereof.

C. Enforcement. This by-law shall be enforced by the Selectmen until such time as there is a building inspector and thereafter by such inspector. He shall approve no applications of any kind or plans or specifications or intended use which are not in all respects in conformity with this by-law.

If the Building Inspector shall refuse to issue a permit, the applicant may, by giving the Building Inspector a notice in writing within ten (10) days from the date of refusal, appeal to the Board of Appeals, under the provisions of Section 30 of Chapter 40 of the General Laws. Any person aggrieved by the issuance of any permit by the Building Inspector or by any decision of the Building Inspector made under the provisions of this by-law may, by giving both the Building Inspector and the person applying for the permit, or the person in whose favor the decision has been made, notice in writing within (10) days from the issuance of the permit or of the decision, appeal to the Board of Appeals under the provisions of Section 30 of Chapter 40 of the General Laws.

D. Penalty. Any person violating any provision of this by-law shall be fined not more than twenty (\$20.00) dollars for each offense.

E. Application. This by-law shall not interfere with or annul any by-laws, rules or regulation, or permit, except that, where this by-law imposes a greater restriction upon the use of buildings, structures, or premises than is imposed by existing provisions of law or by-laws, this by-law shall control.

F. Validity. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision hereof.

SECTION V Definitions

In this by-law the following terms shall have the meanings hereby assigned to them.

(a) A family is a number of individuals living and cooking together on the premises as a single housekeeping unit.

(b) A one family house is a detached dwelling intended and designed to be occupied by a single family.

(c) A dwelling is any building used in whole or in part as a habitation for one or more persons.

(d) An incidental use is a use of a building or premises customarily pertaining thereto and located on the same lot with the building or premises to which it pertains.

(e) A lot is a single tract of land held in identical ownership throughout and which is bounded by streets, ponds, or water-ways or by land of other owners.

(f) An overnight cabin, tent, or trailer is any building, tent, or structure, housecar or automobile trailer used for or adaptable to use for living quarters.

A True Copy:

Attest:

TONY BACCHIERI
Town Clerk

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