

**WARRANT
TOWN OF WAREHAM
SPECIAL TOWN MEETING
OCTOBER 24, 2005**

ARTICLE 1

To see if the town will vote to transfer the sum of \$11,000 for the purpose of defraying the operating expenses related to the Onset Pier parking, including salaries, from the Parking Meter Fund, Account # 24-000-00-3251-0000, to the Parking Meter Maintenance Fund – Onset Pier, Account # 01-101-02-5201-0000, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

The Board of Selectmen Voted:

The Finance Committee Voted: Favorable Action 6-0-0

This article is a routine transfer of funds from the Parking Meter Fund to defray the cost of operating the Onset Pier.

ARTICLE 2

To see if the town will vote to amend the vote taken under ARTICLE 5 at the April 2003 Special Town Meeting, which created the **Business Development Overlay District** by **deleting** the language **“These amendments shall take effect upon passage by the Legislature of the Home Rule Petition approved under article 7 of the April 28, 2003 Special Town Meeting.”**, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

The Board of Selectmen Voted:

The Finance Committee Voted: Favorable Action 6-0-0

This article removes the necessity of a Home Rule Petition to implement Article 5 of the Special Town Meeting approved in April 2003. By deleting this sentence, Article 5 of the April 28, 2003 Special Town Meeting takes effect immediately.

ARTICLE 3

To see if the town will vote to amend its Zoning By-law, Article 2, Zoning Districts and related articles, by expanding the Business Development Overlay District as follows, to do or act in any manner relative thereto:

Amend Article 2, Zoning Districts, Section 220 Zoning Map, Section 225 Business Development Overlay District; Article 4, Overlay Districts, Section 450, Business Overlay Development District, Accepted Overlays; and amend the Zoning Map by expanding the Business Development Overlay District to include the following:

METES AND BOUNDS DESCRIPTION

Parcels to be rezoned to Business Development Overlay District being described as those parcels or portions of parcels shown on Town of Wareham Assessors' Map 109, Parcels 1000, 1001, 1001-A, 1002 thru 1012, 1051, 1052, 1053 and Map 109-A, Parcel 1038 and Mosquito Dam Road, currently zoned as Residential R-60:

Southerly 5,700 feet more or less by Tihonet Road, to a point at the intersection of the southeasterly corner of Assessors' Parcel 1012 on Map 109 at the intersection of

Tihonet Road and the Lot line, thence running;

Westerly and
Northwesterly 330 feet more or less by the southerly lot line of Assessors' Parcel 1012 on Map 109,
to a point at the intersection of the Lot Line and the Zone Line that divides the
Residential R-60 and Strip Commercial Zone, thence running;

Westerly 4500 feet more or less by the current Zone Line and land owned by A.D. Makepeace
to the easterly sideline of Interstate Route 195, thence running;

Northeasterly 2,500 feet more or less by the easterly sideline of Interstate Route 195, to the point of
beginning. Containing 300 Acres more or less

Inserted by the Board of Selectmen at the request of the Town Administrator

The Board of Selectmen Voted:

The Finance Committee Voted: Abstained from voting 0-0-6

The Planning Board will make this motion.

ARTICLE 4

To see if the town will vote to amend the town's zoning by-laws in Article 3 TABLE OF PRINCIPAL USE REGULATIONS at Table 321, under COMMERCIAL USES IN THE INDUSTRIAL ZONE heading (IND), by **deleting** SPZ at Retail Businesses" and replacing it with **"N"**, or to do or act in any other manner relative thereto:

EXPLANATION: This action **PROHIBITS** retail uses from the industrially zoned areas of Wareham. Given the fact that we have very little industrial land available, we need to preserve it for industrial uses. The Town has been inundated with several major retail uses over the past few years, with more to come. We need to balance this retail growth by making what little Industrial land we have available to that sector of our economy.

The West Wareham Strategic Planning Committee and the Zoning By-law Rewrite Committee are working hand-in-hand to ascertain the future of retail uses in West Wareham. They are developing new design standards and are concerned that another mega-project, such as the Wareham Crossing Plaza, could have devastating effects on the quality of life for West Wareham, particularly the ability to maintain safe and convenient travel patterns for residents. These committees need time to deal with this important issue and devise strategies to maintain a healthy and safe environment for Wareham residents.

Inserted by the Board of Selectmen at the request of the West Wareham Strategic Planning Committee

The Board of Selectmen Voted:

The Finance Committee Voted: Abstained from voting 0-0-6

The Planning Board will make this motion.

ARTICLE 5

To see if the Town will vote to amend the Town of Wareham Zoning Map and change a section of the Strip Commercial District in West Wareham to MR-30, by **deleting a portion of the Zoning Map identified as Strip Commercial** and **replacing it with a MR-30 District designation**.as described below, or to act in any manner relative thereto:

That area of land from the southwesterly corner of Charlotte Furnace Road at the intersection of Route 28, in a northwesterly direction to a southeasterly point at the intersection of Carver Road and Route 28, thence, northerly, along the eastern border of Carver Road, to a point where Carver Road meets the layout of Interstate Route 495, thence in a southeasterly direction along the layout of Interstate Route 495 to a northwesterly point at the juncture of the layout of Interstate Route 495 and Charlotte Furnace Road, thence southeasterly to the southwesterly corner of Charlotte Furnace Road and Route 28.

This area will be replaced with the MR-30 District.

EXPLANATION: This article serves as a temporary measure that will prohibit further commercial development along this section of Route 28 and grant the West Wareham Strategic Planning Committee and the Zoning Rewrite Committee the needed time to develop long-overdue design standards for this area of Town. Once the design standards have been developed, this area will be rezoned into more appropriate commercial districts.

Inserted by the Board of Selectmen at the request of the West Wareham Strategic Planning Committee

The Board of Selectmen Voted:

The Finance Committee Voted: Abstained from voting 0-0-6

The Planning Board will make this motion.

ARTICLE 6

To see if the town will vote to amend the zoning by-laws of the Town of Wareham by **adding to Article 7 of the zoning by-laws Section 740 IND District and all subsections through 742** below, or to do or act in any manner relative thereto:

740 IND DISTRICT

741 Applicability

The following Design Standards apply to construction of all industrial and commercial uses and site infrastructure within the IND (Industrial) District.

742 Purpose

These Design Standards seek to encourage development of high-quality light industrial uses in attractive landscaped settings. Also, these Design Standards are established to insure industrial uses are appropriately screened from view from adjacent residential and commercial districts, as well as adjoining public ways. “Green” or “sustainable” building practices are to be encouraged as well.

742.1 Internal Street Design & Curb Cut Access

742.1.1 Street Widths & Corner Turning Radii

742.1.1.1 Two-way streets shall be a minimum width of 24 feet from curb-to-curb. *Refer to Article 9 of zoning by-laws.*

742.1.1.2 Corner street turning radii, measured at the curb line, shall be constructed to a minimum turning radius of 20 feet to allow WB-40 size trucks vehicles and fire apparatus to properly maneuver at intersections.

742.1.2 Street Surface Paving

Streets shall be paved with a sealed bituminous surface layer on a bituminous binder layer on gravel and/or stone underlay foundation

742.1.3 Curbing *(Refer to Planning Board rules and regulations)*

Street curbs shall be of granite material and shall be installed as either vertical or sloped curbing.

742.1.4 Sidewalks

Minimum 5-foot-wide concrete (bituminous is not allowed) sidewalks (clear width) shall be constructed along all internal streets.

742.1.5 Curb Cut Access Locations

742.1.5.1 Curb cuts and driveways to individual properties shall be provided from internal streets rather than directly from Route 28.

742.1.5.2 Where curb-cut access to individual properties is possible only from Route 28, then shared use of single curb cuts by adjoining property owners. *(Check with legal counsel about forcing access easements from existing entrances)*

742.2 Landscape & Buffer Strip Design [See Article 10 of the Zoning Bylaw. Should conflicts exist, the more stringent standard applies]

742.2.1 Buffer Strip Adjacent to Public Arterials [Route 28] Industrial uses adjoining Route 28 shall be screened from view from the road by a 50-foot-wide landscape buffer strip between the sideline of the roadway and the industrial use (which includes; but is not limited to, parking, signage, or equipment). Such buffer shall be planted with native and naturalized shade trees and low shrubs of sufficient density to effectively screen the industrial use from view.

742.2.2 Buffer Strip Adjacent to Internal Streets and Roadways

Internal streets (public or private) within the IND District shall include a 10-foot-wide landscaped buffer strip between the required sidewalk and the industrial use. Such buffer shall be planted with shade trees and low shrubs of sufficient density to effectively screen the industrial use and its parking and service areas from view. *(Refer to 2.1.1 above)*

742.2.3 Buffer Strip Adjacent to Residential and Commercial Districts [See Article 10, Sections 1040 and 1050]

742.2.4 Landscaping within Parking Lots [See Article 10, Section 1062]

742.3 Building Design

742.3.1 Building Materials – Exterior

Exterior cladding materials shall be either masonry, masonry units, stone, or wood. Exceptions are subject to approval by Industrial District Design Review Committee.

742.3.2 Building Façade Designs facing Streets and Roads

742.3.2.1 Facades of buildings facing internal streets or public ways shall have a minimum of 15% windows and entry doors. Windows shall be taller than wider at a ratio of 1½ to 1.

742.3.2.2 Truck loading platforms, loading bays, and garage or loading platform overhead doors shall be located on the side or rear facades of buildings.

742.3.3 Rooftop Design

Rooftop mechanical equipment shall be screened from public view.

742.4 Parking Lots

Parking Lot Locations

Employee and truck parking shall be at the sides or rear of buildings.

742.5 Site Lighting

742.5.1 Internal Street Lighting

742.5.1.1 Adequate street lighting on internal streets shall be provided according to industry standards.

742.5.1.2 Street lighting shall be a sharp cut-off down-light fixture type that does not allow the escape of ambient light to adjoining properties.

742.5.2 Site Lighting

Site lighting shall be a sharp cut-off down-light fixture type that does not allow the escape of ambient light to adjoining properties. Light fixtures shall not be more than 20 feet high.

742.5.3 Parking Lighting

Parking lighting shall be as appropriate per industry standards.

742.5.4 Exterior Building Lighting

Exterior building lighting shall be directed toward subject building. Confine illumination to subject property only.

742.6.0 Disturbance to Neighbors

742.6.1 Noise and Vibration

742.6.1.1 No noise (except for temporary construction or maintenance work) or vibration shall be detectable without instruments in commercial districts adjoining the IND District at more than 50 feet from boundaries of originating premises, or, in a residential district at more than 200 feet from boundaries of originating premises. In no instance shall noise be detectable without instruments in adjoining commercial or residential districts after 10:00 p.m.

742.7.0 Site Drainage & Stormwater Retention

Site drainage and stormwater retention shall conform to the Commonwealth of Massachusetts Department of Environmental Protection's "Stormwater Pollution Prevention guidelines as most recently amended.

742.8.0 All conflicts are subject to review by the Industrial District Design Review Committee.

EXPLANATION: This article serves to encourage development of high-quality light industrial uses in attractively landscaped settings. Also, these design standards are to ensure industrial uses are appropriately screened from view from the adjacent residential and commercial districts, as well as adjoining public ways. Upon passage of this article, it shall take effective immediately.

Inserted by the Board of Selectmen at the request of the West Wareham Strategic Planning Committee

The Board of Selectmen Voted:

The Finance Committee Voted: Abstained from voting 0-0-6

The Planning Board will make this motion.

ARTICLE 7

To see if the town will vote to amend the Town of Wareham By-laws Division VIII Article II Section 3 of the "Rules and Regulations Relative to Animal Control in the Town of Wareham" in the first paragraph by **deleting "...between the hours of 8:00 AM and 5:00 PM from May 15 to September 15 of each year."** and in the fourth paragraph **deleting " \$50.00 (fifty dollars) for each offense."** and **insert "...minimum \$25 (twenty-five dollars) and a maximum of \$100 (one-hundred dollars for each offense."** or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Town Administrator

The Board of Selectmen Voted:

The Finance Committee Voted: Favorable Action 5-1-0

This article synchronizes the Town's By-laws with the Town's Board of Health Regulations. The Board of Health Regulation supersedes the Town By-Law; consequently the By-law is being amended.