

TOWN OF WAREHAM
SPECIAL TOWN MEETING
WARRANT

APRIL 25, 2005

WAREHAM HIGH SCHOOL AUDITORIUM
VIKING DRIVE
WAREHAM, MA 02571 7:00 P.M.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH §.

TO EITHER OF THE CONSTABLES OF THE TOWN OF WAREHAM

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town qualified to vote in Town affairs to meet in the Wareham High School Auditorium, Viking Drive, Wareham, MA on Monday, April 25, 2005 at 7:00 o'clock p.m. to act on the following articles:

ARTICLE 1

To see if the Town will vote to appropriate and transfer from available funds a sum of money to supplement the Fiscal 2005 operating budget, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen

ARTICLE 2

To see if the town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to fund the economic conditions of collective bargaining agreements between the Town and various collective bargaining units for the period July 1, 2004 through June 30, 2007, or to do or act in any manner relative thereto.

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

ARTICLE 3

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to fund the economic conditions of a new Personnel Plan for the period July 1, 2004 though June 30, 2005 or to do or act in any manner relative thereto.

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

ARTICLE 4

To see if the Town will vote to transfer \$20,000 from the Parking Meter Fund to the Municipal Maintenance Line Painting Account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the Request of the Municipal Maintenance Director

ARTICLE 5

To see if the Town will vote to appropriate and transfer \$20,000 from the Waterways Improvement and Maintenance Fund to the Harbors and Beaches Maintenance account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

ARTICLE 6

To see if the Town will vote to transfer \$20,000 from the Parking Meter Fund to the Municipal Maintenance Department Sign Materials account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Municipal Maintenance Director

ARTICLE 7

To see if the Town will vote to raise and appropriate or to transfer \$15,000 from the Harbor Service Permit Reserved for Appropriations account, to the Harbormaster Maintenance and Improvement account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Harbormaster/Shellfish Constable

ARTICLE 8

To see if the Town will vote to appropriate and transfer from available funds or by any combination of the foregoing, a sum of money to pay an unpaid bill of the prior fiscal year, or to do or act in any manner relative thereto.

The Cycling Murrays (Veterans' Day parade performers) \$600.00

Inserted by the Board of Selectmen

ARTICLE 9

To see if the Town will vote to appropriate and transfer \$85,254 from the Sewer Retained Earnings Fund for the purpose of providing funds for the Impact & Infiltration (I&I) Prevention Program, or to do or act in any manner relative thereto.

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

ARTICLE 10

To see if the Town will vote to appropriate a sum of money for the purpose of financing the following Water Pollution Control Facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Board of Health

ARTICLE 11

To see if the Town will amend its Zoning By-Law by accepting a revised zoning map, dated April 26, 2004, prepared by the Southeastern Regional Planning and Economic Development District (SRPEDD) and by amending Section 221 (Zoning District Map of the Town of Wareham) to read as follows:

221 Zoning District Map of the Town of Wareham

The Zoning District Map is based on the Zoning Map, prepared by Southeastern Regional Planning and Economic Development District (SRPEDD) and dated April 26, 2004.

EXPLANATION:

The existing zoning map is an antiquated, hand-drawn document that needs to be brought up to current standards. This map was prepared by SRPEDD but inadvertently, was not placed on the Town Warrant in April of 2004. It is in the Town's best interests that this map be accepted.

Inserted by the Board of Selectmen at the request of the Zoning By-Law Rewrite Committee

ARTICLE 12

To see if the Town will vote to amend the Wareham Zoning Map, Dated April 26, 2004, by creating a new zoning district, entitled WAREHAM VILLIAGE II (WVII) with the following description:

Description of Proposed Wareham Village II District

Beginning at the intersection of the existing Institutional and MR-30 Districts on Lots 1123B and 1123C and Cedar Street as shown on Wareham Assessors' Map 47 and running WESTERLY along the Centerline of Cedar Street and along the Southern property lines of Lots 1044 and 1045 and across a portion of Lot 1041 to the centerline of Church Avenue as shown on Wareham Assessors' Map 47;

Thence NORTHERLY along the Centerline of Church Avenue to a point directly across the intersection of Kennedy Lane on Lot 1008 as shown on Wareham Assessors' Map 47;

Thence WESTERLY along the Centerline of Kennedy Lane to the Western Corner of Lot 1006 as shown on Wareham Assessors' Map 47;

Thence NORTHEASTERLY along the Westerly Lot lines of Lots 1006, 1009 and 1010 to a point on the Centerline of Marion Road / Route 6 across from Lot M15 as shown on Wareham Assessors' Map 61;

Thence WESTERLY along the Centerline of Marion Road to the Easterly side of the Center of the intersection with Gibbs Avenue (Western corner of Lot G11) as shown on Wareham Assessors' Map 61;

Thence NORTHERLY along the Centerline of Gibbs Avenue to the Center of the intersection of High Street as shown on Wareham Assessors' Map 61;

Thence NORTHERLY along the Centerline of Gibbs Avenue to the Center of the intersection with Main Street to a point on the Northern Side of Lot 1011 as shown on Wareham Assessors' Map 61;

Thence WESTERLY along the Centerline of Main Street to the Center of the intersection with Tremont Road as shown on Wareham Assessors' Map 84;

Thence NORTH along the Centerline of Tremont Road to the Center of the intersection with Route 28/Cranberry Highway (Lot 1041) as shown on Wareham Assessors' Map 109A;

Thence EASTERLY along the Centerline of Route 28 / Cranberry Highway to the Center of the intersection with Tihonet Road (Lot 1049) as shown on Wareham Assessors' Map 109A;

Thence SOUTHEASTERLY along the Centerline of Tihonet Road to the Southwestern corner of the Railroad Right of Way (Lot 1210) as shown on Wareham Assessors' Map 61;

Thence SOUTHEASTERLY along the Western sideline of the Railroad Right of Way (Lot 1210) to the Northern point of the existing Wareham Village I District;

Thence West along the Existing boundary line with the existing Wareham Village I District (along the Northern Lot line of Lot 1021) to the Centerline of Main Street;

Thence Southeasterly along the Existing Boundary line with the Wareham Village I District to more or less to the point of beginning (Lots 1123B and 1123C and Cedar Street).

Inserted by the Board of Selectmen

ARTICLE 13

To see if the Town will vote to amend the Wareham zoning map, dated April 26, 2004, by amending the description of Wareham Village I (WVI) with the following descriptions:

Beginning at the NORTHEASTERLY corner of Lot 1088 and running EASTERLY along the Northern lot line of Lot 1088 as shown on Wareham Assessors' Maps 61 and 132 to the Western side of Wankinco River;

Thence NORTHEASTERLY along the Western side of the Wankinco River to the Southern Lot line of Lot 1008C as shown on Wareham Assessors' Map 132;

Thence EASTERLY to the Southeastern corner of Lot 1008C as shown on Wareham Assessors' Map 132;

Thence NORTHERLY along the eastern lot line of 1008C, across to the Centerline ELM Street as shown on Wareham Assessors' Map 132;

Thence EASTERLY along the Centerline of Elm Street to the Center of the intersection with Route 28/Cranberry Highway (Lot 1005A) as shown on Wareham Assessors' Map 132;

Thence WESTERLY along the Centerline of Route 28 / Cranberry Highway to the Center of the intersection with Tihonet Road (Lot 1000A) as shown on Wareham Assessors' Map 132;

Thence SOUTHERLY along the Centerline of Tihonet Road to the Center of the intersection with Elm Street (Lot 1000B) as shown on Wareham Assessors' Map 132;

Thence SOUTHERLY crossing Elm Street to the West side of the Railroad Right of Way (Lot 1210) as shown on Wareham Assessors' Map 61;

Thence SOUTHERLY along the Western side of the Railroad Right of Way to the Northwestern corner of Lot 1088, more or less to the point of beginning.

EXPLANATION: This expansion of Wareham of Village acts to enlarge the Downtown Village District by encompassing the remainder of Main Street to the Town Green, thence East to Tremont Nail on Elm Street and continuing along Elm to Cranberry Highway.

Inserted by the Board of Selectmen

ARTICLE 14

To see if the Town will vote to amend the Wareham Zoning Map, dated April 26, 2004, by amending the description of the Institutional District as follows:

Description of Proposed Institutional District

Beginning at the intersection of the existing Institutional zoning district with the Centerline of Cedar Street; said intersection being situated 200 feet southwesterly of the Centerline of Main Street; and running SOUTHWESTERLY by the Centerline of Cedar Street to the southeasterly corner of Lot 1044 as shown on Wareham Assessors' Map 47; it being land now or formerly of Marvin D. Spinner;

Thence SOUTHEASTERLY in the easterly line of land of Tobey Hospital a distance of 350 feet more or less to the southerly line of land of Tobey Hospital;

Thence SOUTHWESTERLY in the southerly line of land of Tobey Hospital and the extension thereof to the Centerline of Church Avenue;

Thence SOUTHEASTERLY in the Centerline of Church Avenue to the Centerline of Driftwood Lane (formerly First Street);

Thence SOUTHWESTERLY in the Centerline of Driftwood Lane and the extension thereof to Broad Marsh River;

Thence WESTERLY, NORTHERLY AND WESTERLY by Broad Marsh River a distance of 5780 feet more or less to the southeasterly corner of lot 1006 as shown on Wareham Assessors' Map 48; it being land now or formerly of The Donamon Co., Inc.;

Thence NORTHERLY, SOUTHEASTERLY AND NORTHEASTERLY in line of said Lot 1006 to the southeasterly corner of Lot L-21 as shown on Wareham Assessors' Map 48;

Thence NORTHERLY in line of said Lots L-21, L-22, L-23< L-24, L-25, L-26, and L-27 as shown on Wareham Assessors' Map 48, a distance of 469.92 feet, more or less to the Centerline of Marion Road;

Thence NORTHEASTERLY in the Centerline of Marion Road a distance of 1435 feet more or less to Lot 1010 as shown on Wareham Assessors' Map 47; it being land now or formerly of the Town of Wareham;

Thence SOUTHEASTERLY in line of said Lot 1010 and Lot 1009 as shown on Wareham Assessors' Map 47 and the extension thereof a distance of 290 feet more or less to the Centerline of Kennedy Lane;

Thence NORTHEASTERLY in the Centerline of Kennedy Lane to the Centerline of Church Avenue;

Thence SOUTHEASTERLY in the Centerline of Church Avenue a distance of 1450 feet more or less to a point opposite the northwesterly extension of Lot 1041 as shown on Wareham Assessors' Map 47; it being land now or formerly of Tobey Hospital;

Thence NORTHEASTERLY across Church Avenue in line of said Lot 1041 to the southwesterly line of Lot 1039 as shown on Wareham Assessors' Map 47; it being land now or formerly of Karen I. Cascone;

Thence SOUTHEASTERLY in line of said Lot 1039 and Lot 1040 as shown on Wareham Assessors' Map 47; it being land now or formerly of Deolinda Souza Life estate and

NORTHEASTERLY by said Lot 1040 and the extension thereof to the Centerline of High Street;

Thence NORTHWESTERLY in the Centerline of High Street to the northwest corner of Lot 1118 as shown on Wareham Assessors' Map 47; it being land now or formerly of Tobey Hospital;

Thence EASTERLY, SOUTHERLY AND EASTERLY in line of said corner being the northwesterly corner of the current Institutional zoning district; said corner being southwesterly a distance of 200 feet from the southwesterly sideline of Main Street;

Thence SOUTHEASTERLY in the southwesterly line of the current Institutional Zoning District by a line running parallel to and 200 feet distant southwesterly from the southwesterly sideline of Main Street a distance of 1100 feet, or more or less to the point of beginning.

EXPLANATION: This expansion of the Institutional District encompasses Tobey Hospital property, Church Avenue and Town-owned property on Marion Road. These properties belong in an Institutional District, rather than a Residential District in order to facilitate any further expansion of Town and Hospital buildings.

Inserted by the Board of Selectmen at the request of the Zoning By-Law Rewrite Committee

ARTICLE 15

To see if the Town will vote to amend the Wareham Zoning By-laws by amending Section 620, Table of Dimensional Regulations as follows:

620 Table of Dimensional Regulations

Minimum and maximum lot and building dimensions shall be as specified in the following tables, subject to the further provisions of this Article.

621 Residential Districts

	R-130	R-60	R-43	R-30	MR-30
Minimum Lot Area (square feet)					
1-family dwelling	130,000	60,000	43,000	30,000	30,000
2-family dwelling	NA	NA	NA	45,000	45,000
Other residential use	NA	NA	NA	a	30,000
Non-residential use	130,000	60,000	43,000	30,000	30,000
Minimum Frontage (feet)					
1-family dwelling	200	180	180	150	150
2-family dwelling	NA	NA	NA	200	200
Other residential use	NA	NA	NA		250
Non-residential use	200	180	180	150	150
Minimum Frontage Setback (feet)					
1-family dwelling	100	60	40	20	20
2-family dwelling	NA	NA	NA	20	20
Other residential use	NA	NA	NA		30
Non-residential use	20	20	20	20	20
Minimum Side/Rear Setback (feet)					
1-family dwelling	30	20	20	10	10
2-family dwelling	NA	NA	NA	10	10
Other residential use	NA	NA	NA		20
Non-residential use	10	10	10	10	10
Maximum Height (feet)					
1-family dwelling	35	35	35	35	35
2-family dwelling	NA	NA	NA	35	35
Other residential use	NA	NA	NA		35
Non-residential use	35	35	35	35	35
Maximum Building Coverage (%)					
1-family dwelling	NR	NR	NR	25	25
2-family dwelling	NR	NR	NR	NR	25
Other residential use	NR	NR	NR		
Non-residential use	NR	NR	NR	NR	

Maximum Impervious Surface (%)					
1-family dwelling	NR	NR	NR	NR	NR
2-family dwelling	NA	NA	NA	NR	NR
Other residential use	NA	NA	NA		NR
Non-residential use	NR	NR	NR	NR	NR

NA = Use not allowed, NR = No regulation

a In R-30 District, multiple family is only permitted as a Residential Cluster Development
(See Article 8)

622 Village Districts

	OV1	OV2	WV1	WV2
Minimum Lot Area (square feet)				
1-family or 2-family dwelling	5,000	10,000	7,500	15,000
<u>Other Residential use:</u>				
First dwelling unit:	5,000	10,000	10,000a	15,000
Each additional unit	1,000	4,000	2,000b,c	2,000
Bed & Breakfast				
First unit:	5,000a	10,000	10,000a	10,000
Each additional unit	2,000	4,000	2,000b,c	4,000
Non-residential uses	5,000	15,000	5,000	15,000
Minimum Frontage (feet)				
1-family or 2-family dwelling	50	50	75	75
Other residential use	50	50	75	75
Non-residential use	50	50	75	75
Minimum Front Setback (feet)				
1-family or 2-family dwelling	d	d	d	d
Other residential use	d	d	d	d
Nonresidential use	d	d	d	d
Minimum Side/Rear Setback (feet)				
1-family or 2-family dwelling	10	10	10	10
Other residential use	10	10	10	10
Non-residential use	10	10	10	10
Maximum Height (feet)				
1-family or 2-family dwelling	35	35	40	35
Other residential use	35	35	40	35
Non-residential use	35	35	40	35
Maximum Building Coverage (%)				
1-family or 2-family dwelling	30	20	30	20
Other residential use	30	NR	30	20
Nonresidential use	30	NR	30	20
Maximum Impervious Surface (%)				
1-family or 2-family dwelling	70	50	70	50
Other residential use	70	50	70	50
Non-residential use	70	50	70	50

NA = Use not allowed, NR = No regulations

a. 2,000 square feet if in an existing structure.

b. 2,000 square feet for each additional unit up to 40 units and 7,500 square feet for each unit beyond 40.

c. 1,000 square feet if in an existing structure.

d. The front setbacks in Village Districts shall be the average of the setbacks of five (5) residential structures on either side of the subject property.

623 Commercial Districts

	CS	CG	CN
Minimum Lot Area (square feet)			
1-family dwelling	30,000		
2-family dwelling	45,000		
Other Residential use	30,000		
Non-residential use	30,000a		

Minimum Frontage (feet)	
1-family dwelling	150
2-family dwelling	200
Other Residential use	250
Non-residential use	150
Minimum Front Setback (feet)	
1-family dwelling	20
2-family dwelling	20
Other Residential use	30
Non-residential use	20b
Minimum Side/Rear Setback (feet)	
1-family dwelling	10
2-family dwelling	10
Other Residential use	20
Non-residential use	10
Maximum Height (feet)	
1-family dwelling	40
2-family dwelling	40
Other Residential use	40
Nonresidential use	40
Maximum Building Coverage (%)	
1-family dwelling	40
2-family dwelling	40
Other Residential use	40
Non-residential use	40
Maximum Impervious Surface (%)	
1-family dwelling	65
2-family dwelling	65
Other Residential use	65
Non-residential use	65
Distance from Residential (feet)	
1-family dwelling	40
2-family dwelling	40
Other Residential use	40
Non-residential use	40

NA= Use not allowed, NR = No regulation

a. For a motel, one acre plus 3,000 square feet for each additional unit in excess of 12.

b. For a motel, 50 feet.

624 Other Districts

	CR	MAR	INST	IND	BDOD
Minimum Lot Area (square feet)					
1-family dwelling	NA	30,000	30,000	NA	NA
2-family dwelling	NA	45,000	45,000	NA	NA
Other Residential use	NA	NA	30,000	NA	NA
Nonresidential use	30,000	30,000	30,000	30,000	87,120
Minimum Frontage (feet)					
1-family dwelling	NA	150	150	NA	NA
2-family dwelling	NA	200	150	NA	NA
Other Residential use	NA	NA	150	NA	NA
Nonresidential use	50	150	100	150	100
Minimum Front Setback (feet)					
1-family dwelling	NA	20	20	NA	NA
2-family dwelling	NA	20	20	NA	NA
Other Residential use	NA	NA	20	NA	NA
Nonresidential use	10	20	20	20	25

Minimum Side/Rear Setback (feet)					
1-family dwelling	NA	10	10	NA	NA
2-family dwelling	NA	10	10	NA	NA
Other Residential use	NA	NA	10	NA	NA
Non-residential use	10	10	20	10	10
Maximum Height (feet)					
1-family dwelling	NA	35	30	NA	NA
2-family dwelling	NA	35	30	NA	NA
Other Residential use	NA	NA	30	NA	NA
Non-residential use	60	45	NR	50	40b
Maximum Building Coverage (%)					
1-family dwelling	NA	45	30	NA	NA
2-family dwelling	NA	45	30	NA	NA
Other Residential use	NA	NA	30	NA	NA
Non-residential use	NR	45	NR	50	25c
Maximum Impervious Surface (%)					
1-family dwelling	NA	60	60	NA	NA
2-family dwelling	NA	60	60	NA	NA
Other Residential use	NA	NA	60	NA	NA
Non-residential use	NR	60	60	70	65
Distance from Residential (feet)					
1-family dwelling	NA	50	NR	NA	NA
2-family dwelling	NA	50	NR	NA	NA
Other Residential use	NA	NA	NR	NA	NA
Non-residential use	NR	50	NR	50	NR

- For hotel, motel, or conference center, the minimum lot area shall be 30,000 square feet plus 1,000 square feet per guest unit if connected to the municipal sewerage system, or 30,000 square feet plus 6,000 square feet per guest unit if not connected to the municipal sewerage system.
- The maximum height shall be the greater of 40 feet or three stories (exclusive of rooftop mechanical equipment).
- The maximum allowed floor area ratio (FAR) shall be 0.75.

NA = Use not allowed, NR = no regulation

625 Accessory Buildings

	Residential Districts	Village Districts	Commercial Districts	CR	MAR	INST	IND	BDOD
Setback								
Front	a	a	a	a	a	b	b	
Side	10	10	10	10	20	10	20	(See note c)
Rear	15	15	15	15	20	15	20	(See note c)
Height	20	20	30	30	30	30	30	(See note c)

- Front setbacks of accessory buildings shall be equal to or greater than the principle building front setback for the respective district.
- Accessory buildings in Industrial District shall be located to the rear of the principle building
- Accessory buildings in the Business Development Overlay District shall be subject to the same setback and height requirements as for principle buildings in the district, as specified in Section 624.

EXPLANATION:

These proposed Dimensional Tables have been studied over the winter months with much time allocated to the final product. The uses in “**BOLD TYPE**” indicate where a change has been made. As you will see in the Wareham Village II column (WVII), this new District has been “**bolded**” in its entirety, as has the “Accessory Buildings”. This particular table was voted to go for “further study” at the October 2004 Town Meeting and this is the result of that study by the Zoning Rewrite Committee.

Inserted by the Board of Selectmen at the request of the Zoning By-Law Rewrite Committee

ARTICLE 16

321 Provisions for Tables of Uses and Use Definitions

No land, structure or building shall be used except for the purposes permitted in the district as set forth in this Section unless otherwise permitted in this Bylaw. The words used to describe each principal and accessory use contained in Section 350 are intended to be definitions of such uses.

In the following table, the use regulations for each use and district are designated by the following abbreviations:

Y The use is allowed by right in the district.

SPP The use is allowed by Special Permit from the Planning Board.

SPZ The use is allowed by Special Permit from the Board of Appeals.

N The use is prohibited in the district.

* The use is subject to special conditions in certain districts (See Section 390).

‡ Residential subdivisions on 30 acres or greater are subject to Site Plan Review – Special Permit (Article 15).

PRINCIPAL USE	R130	R60	R43	R30	MR30	WV1	WV2	OV1	OV2	CS	CG CN	CNF	MAR	INS	IND
<u>AGRICULTURAL AND RURAL USES</u>															
Agricultural uses upon tracts less than 5 acres	Y	Y	Y	Y	Y	Y	N	Y	Y	Y		Y	Y	N	N
Agricultural uses upon tracts of 5 acres or more	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y
Cider mill, ice house, temporary sawmill	N	N	N	SPZ	SPZ	N	N	N	N	Y		N	N	N	N
Horticulture on less than 5 acres	N	SPZ	N	SPZ	SPZ	N	N	N	N	Y		N	N	N	N
<u>ANIMAL-RELATED USES</u>															
Animal kennels	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	N	SPZ	SPZ	SPZ		SPZ	SPZ	N	N
Riding stable SPZ	SPZ	N	SPZ	N	SPZ	N	N	N	Y	Y		SPZ	N	N	N
Piggeries, fur farms	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Veterinary hospital	N	N	N	SPZ	SPZ	N	N	N	N	Y		N	N	SPZ	N
<u>RECREATIONAL USES</u>															
Campground	N	SPZ	N	N	N	SPZ	N	N	N	Y		N	N	N	N
Golf course or golf club	SPZ	SPZ	SPZ	SPZ	N	SPZ	N	N	N	Y		Y	N	N	N
Non-profit recreation	SPZ	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	N	N
Health or athletic facility	N	N	N	N	N	N	N	N	N	N		Y	N	N	Y
Tennis club	SPZ	SPZ	SPZ	SPZ	N	SPZ	SPZ	N	N	Y		Y	N	N	Y
Youth camp	SPZ	N	N	SPZ	N	SPZ	SPZ	N	N	Y		N	N	N	N
<u>RESIDENTIAL USES</u>															
1-family detached dwelling	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡		N	Y‡	Y‡	N
2-family dwelling	N	N	N	Y*‡	Y‡	Y‡	Y‡	Y‡	Y‡	SPZ		N	Y‡	Y‡	N
3 to 4 family dwelling in existing structure	N	N	N	Y*‡	SPP	SPZ	SPZ	SPZ	SPZ	SPZ		N	N	Y‡	N
3 to 4 family dwelling in new structures	N	N	N	Y*‡	SPP	SPZ	N	N	N	SPZ		N	N	Y‡	N
5+ family dwelling in existing structures	N	N	N	Y*‡	SPP	SPZ	SPZ	SPZ	SPZ	SPZ		N	N	Y‡	N
5+ dwelling in new structures	N	N	N	Y*‡	SPP	SPZ	N	N	N	SPZ		N	N	Y‡	N
Apartments in mixed-use building															
Manufactured home	Y	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡	Y‡		N	Y‡	Y‡	N
Manufactured home park	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Residential Cluster Development	SPP	SPP	SPP	SPP	SPP	SPP	SPZ	SPP	SPP	SPP		SPP	SPP	SPP	N
Seasonal conversion	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ		SPZ	SPZ	N	N

PRINCIPAL USE	R130	R60	R43	R30	MR30	WV1	WV2	OV1	OV2	CS	CG CN	CNF	MAR	INS	IND
<u>EDUCATIONAL AND INSTITUTIONAL USES</u>															
Municipal use	N	N	N	Y	Y	Y	Y	Y	Y	Y		N	Y	Y	Y
Hospital, hospital connected facilities	N	N	N	N	SPZ	Y	N	N	N	Y		N	N	Y	Y
Nursing home, intermediate care center, day care center	SPZ	SPZ	SPZ	SPZ	N	Y	SPZ	N	Y	Y		N	N	Y	Y
Educational use, non-exempt	SPZ	Y	Y	Y	N	Y	Y	Y	Y	Y		N	Y	Y	Y
Educational use, exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y
Oceanographic and engineering research	N	N	N	N	N	Y	N	N	N	N		N	Y	N	Y
Membership club															
Religious use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y
Other places of assembly	N	N	N	N	N	SPZ	N	SPZ	N	Y		N	N	N	N
Cemetery	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	N	N	SPZ		N	N	N	N
<u>COMMERCIAL USES</u>															
Banks N	N	N	N	N	Y	N	Y	Y	Y			N	N	N	Y
Offices N	N	N	N	N	Y	Y	Y	Y	Y			N	N	Y	Y
Retail businesses	N	N	N	N	N	Y	N	Y	N	Y		N	N	N	N
Service establishments not involving manufacture on premises	N	N	N	N	N	Y	N	Y	N	N		N	N	N	N
Motor vehicle service	N	N	N	N	N	Y	N	Y	N	SPZ		N	N	N	Y
Motor vehicle sales	N	N	N	N	N	Y	N	Y	N	SPZ		N	N	N	N
Filling stations for gasoline, diesel fuel, and liquid propane	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Dry cleaning/Laundromat	N	N	N	N	N	Y	N	Y	N	N		N	N	N	N
Conference center		N	N	N	N	N	N	Y	Y	Y		Y	N	N	Y
Motel, hotel	N	N	N	N	N	N	N	Y	Y	Y		Y	N	N	N
Bed & breakfast	N	N	N	N	N	Y	Y	Y	Y	Y		N	N	N	N
Guest house	N	N	N	N	N	N	Y	Y	Y	N		N	N	N	N
Neighborhood grocery store	SPZ	SPZ	N	SPZ	SPZ	Y	SPZ	Y	N	Y		N	N	N	N
Wholesale business	N	N	N	N	N	Y	N	Y	N	Y		N	N	N	Y
Restaurants	N	N	N	N	N	Y	N	Y	N	Y		N	N	N	N
Drive-in establishment															N
Commercial recreational facilities	N	N	N	N	N	N	N	N	N	Y		N	N	N	Y
Other places of amusement	N	N	N	N	N	SPZ	N	SPZ	N	Y		N	N	N	N
Adult use	N	N	N	N	N	N	N	N	N	N		N	N	N	SPZ
<u>MARINE USES</u>															
Marinas	N	N	N	N	N	Y	N	N	N	N		N	Y	N	Y
Retail sale of marine equipment and supplies (Not including fish products or food)	N	N	N	N	N	Y	N	Y	N	Y		N	Y	N	Y
<u>UTILITY</u>															
Public utility	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	Y	N	N		N	N	N	Y
Structures for public utility use not including repair stations or outside storage of supplies	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	Y	N	Y		N	N	N	Y
Wireless communication facility, not exceeding 40 feet in height	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y

PRINCIPAL USE	R130	R60	R43	R30	MR30	WV1	WV2	OV1	OV2	CS	CG	CN	CNF	MAR	INS	IND
Wireless communication, facility exceeding 40 feet in height	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ			SPZ	SPZ	SPZ	SPZ
<u>INDUSTRIAL USES</u>																
Manufacturing of products produced on premises the major portion of which are sold on premises from producer to consumer	N	N	N	N	N	N	N	N	N	SPZ			N	N	N	Y
Light manufacturing	N	N	N	N	N	N	N	N	N	N			N	N	N	Y
Manufacture of marine vessels	N	N	N	N	N	Y	N	N	N	N			N	Y	N	Y
Industrial (except earth removal)	N	N	N	N	N	N	N	N	N	SPZ			N	N	N	Y
Gravel, loam, sand, stone, or earth removal	N*	SPZ	SPZ	SPZ	SPZ	N	N	N	N	SPZ			N	N	N	SPZ
Fish processing plants	N	N	N	N	N	N	N	N	N	SPZ			N	N	N	N
Storage facilities	N	N	N	N	N	N	N	N	N	N			N	N	N	N
Junkyards and salvage yards	N	N	N	N	SPZ	N	N	N	N	SPZ			N	N	N	N
Hazardous waste facility	N	N	N	N	N	N	N	N	N	N			N	N	N	N
Solid waste facility	N	N	N	N	N	N	N	N	N	N			N	N	N	N
<u>TRANSPORTATION USES</u>																
Aviation field	N	SPZ	N	SPZ	N	N	N	N	N	N			N	N	N	SPZ
Public service or other passenger stations	N	N	N	SPZ	N	N	N	N	N	Y			N	N	N	Y
Trucking and transportation terminals	N	N	N	N	N	N	N	N	N	N			N	N	N	SPZ

330 Accessory Use Regulations

331 General Requirement

Any structure or use which is customarily associated with and incidental to a permitted principal use shall be allowed on the same lot or premises as the principal use, except as prohibited or regulated by Section 340, Table of Accessory Use Regulations, provided that such structure or use contributes to the comfort, convenience or necessity of occupants of the principal building served, and provided that it shall not be detrimental to the neighborhood. Any accessory structure or use shall be subordinate in area, extent, and purpose to the principal building or use served. Table of Accessory Use Regulations

ACCESSORY USE	R130	R60	R43	R30	MR30	WV1	WV2	OV1	OV2	CS	CG	CN	CNF	MAR	INS	IND
<u>AGRICULTURAL AND RURAL USES</u>																
Farm stand or roadside-stand	N	Y	N	Y	Y	N	N	N	N	N			N	N	N	Y
<u>RECREATIONAL USES</u>																
Food and beverage services and accessory uses related to permitted recreational activities	N	N	N	N	N	N	Y	N	N	N			Y	N	Y	Y
Food and beverage services and accessory uses related to permitted motels, hotels, and conference centers	N	N	N	N	N	N	Y	N	N	N			Y	N	N	Y
<u>RESIDENTIAL USES</u>																
Accessory apartment																
Home occupation	SPZ	Y	N	Y	Y*	Y	Y	Y	Y*	N			N	N	N	N
Home office of profession or trade conducted by a resident of the premises	SPZ*	Y*	Y	Y*	Y*	Y	Y	Y	Y*	N			N	N	Y	N
Taking of boarders or lodgers	SPZ	Y	N	Y	Y	Y	Y	Y	Y*	N			N	N	N	N
<u>EDUCATIONAL AND INSTITUTIONAL USES</u>																
Accessory uses for scientific research, scientific development, or related production activities	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ			SPZ	SPZ	SPZ	SPZ
<u>COMMERCIAL USES</u>																
Outdoor advertising	N	N	N	N	N	N	N	N	N	Y			N	N	N	Y

<u>ACCESSORY USE</u>	R130	R60	R43	R30	MR30	WV1	WV2	OV1	OV2	CS	CG CN	CNF	MAR	INS	IND
<u>MARINE USES</u>															
Filling stations for marine vessels	N	N	N	N	N	Y	N	N	N	N		N	SPZ	N	N
Marine connected uses	N	N	N	N	N	Y	N	N	N	N		N	Y	Y	Y
<u>UTILITIES</u>															
Direct antenna 5 feet or more in diameter	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ		SPZ	SPZ	SPZ	SPZ
Direct broadcast antenna, under five feet in diameter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y
Wireless communications facility enclosed	N	N	N	N	N	Y	Y	Y	Y	Y		Y	Y	Y	Y
Wireless communications facility, attached to existing structure not exceeding 40 feet in height	N	N	N	N	N	Y	Y	Y	Y	Y		Y	Y	Y	Y

Inserted by the Board of Selectmen at the request of the Zoning By-Law Rewrite Committee

ARTICLE 17

To see if the Town will amend its Zoning By-Law by amending Article 3 “USE REGULATIONS” at “MULTIPLE PRINCIPAL USES AND STRUCTURES” by deleting Section 362 and modifying Section 361, to read “**More than one principle use and/or structure may be established in non-residential districts**”.

EXPLANATION:

This is a housekeeping measure designed to clear up any confusion with the number of buildings allowed. This makes certain there is no confusion over the fact that more than one principle building may be located in a non-residential zone.

Inserted by the Board of Selectmen at the request of the Zoning By-Law Rewrite Committee

ARTICLE 18

To see if the Town will vote to amend its Zoning Bylaw as follows:

A. Under Article 2, **delete paragraph 211.5 (c)** and replace it with the following:

211.5 (c) **Institutional (INS): The Institutional district is intended to promote hospital uses, related health services (including offices of health practitioners), government offices and facilities, and educational uses.**

EXPLANATION: This further refines the language associated with our Institutional District.

Inserted by the Board of Selectmen at the request of the Zoning By-Law Rewrite Committee

ARTICLE 19

To see if the Town of Wareham will vote to amend its Zoning Bylaw, Article 2, Zoning Districts and related articles, by adding the Tihonet Business Development Overlay District as follows, or take any other action relative thereto:

1. Amend Article 2, Zoning Districts, Section 212 Overlay Districts, by adding a new Section 212.5 as follows:

Tihonet Business Development Overlay District (TBDOD)

The Tihonet Business Development Overlay District is intended to create office/R&D development opportunities in a campus-like environment using the existing agricultural uses and natural landscape as amenities for the businesses located in the office buildings.

2. Amend Article 2, Zoning Districts, Section 220 Zoning Map to add a new Section 226 and to amend the Zoning Map as follows:

Tihonet Business Development Overlay District.

The Tihonet Business Development Overlay District includes all areas designated in Section 460 of the By-Law.

Inserted by the Board of Selectmen

ARTICLE 20

To see if the Town will vote to amend its Zoning Map by adding the following Tihonet Business Development Overlay District:

METES AND BOUNDS DESCRIPTION

A parcel of land situated in the Commonwealth of Massachusetts, County of Plymouth, Town of Wareham, and shown as Tihonet Business Development Overlay District on a plan entitled “Proposed Zoning Map Tihonet Business Development Overlay District, Scale: 1” = 400’, dated March 11, 2005 prepared by Beals and Thomas, Inc., including Lots 1003, 1004 and 1012 in their entirety, and a portion of Lot 1002 on Assessors’ Map 107, more particularly bounded and described as follows:

Said parcel to be rezoned to Tihonet Business Development Overlay District:

Beginning at the most southeasterly corner of said area on the northerly sideline of Route 25 and the westerly sideline of Tihonet Road, thence running;

Westerly and

Northwesterly 2,470 feet more or less by the northerly sideline of Route 25, to a point, thence running;

Easterly 750 feet more or less to a point on an irrigation canal, thence running;

Northerly and Easterly 2,420 feet more or less along the irrigation canal to the westerly sideline of Farm to Market Road, thence turning and running;

Southerly 2,880 feet more or less to the point of beginning, said last two courses being bounded in part by the westerly sidelines of Farm to Market Road and Tihonet Road Containing 75.0 Acres more or less.

Inserted by the Board of Selectmen

ARTICLE 21

To see if the Town will vote to amend its Zoning Bylaw, Article 4 Overlay Districts, and related articles, by adding the Tihonet Business Development Overlay District as follows, or take any other action relative thereto:

1. Amend Article 4 Overlay Districts by adding a new Section 460 as follows:

460. TIHONET BUSINESS DEVELOPMENT OVERLAY DISTRICT

A. Intent and Objectives:

To encourage business development within the Town that will create sustainable economic development, create diversified year-round, sustainable employment opportunities, preserve compatible active agricultural operations and working landscapes that are part of the Town's heritage, and economic base, and promote business and related commercial activities that are compatible with the cultural, environmental and economic goals of the Town.

The Tihonet Business Development Overlay District is intended to create office/R&D development opportunities in a campus-like environment using the existing agricultural uses and natural landscapes as amenities for the businesses located in the office parks.

Installation of water and street lighting and maintenance of lighting shall be at the owner's expense.

B. Underlying Zoning District

Except as set forth in the following paragraph, the Tihonet Business Development Overlay District (TBDOD) shall overlay but not supersede other zoning districts in which any lot so zoned shall lie. A landowner whose land lies within a TBDOD shall not be precluded thereby from (a) electing not to use his land for a TBDOD Allowed Use or a TBDOD Special Permit use and (b) electing instead to use his land for an Allowed Use or a Special Permit use in the underlying Zoning District, in which all of the dimensional, intensity, and other requirements of the Underlying Zoning District shall apply.

If a landowner elects to use his land for a TBDOD Allowed Use or a TBDOD Special Permit use, then when the standards set forth in the TBDOD conflict with otherwise applicable standards of the underlying or overlaying Zoning District or with other regulations of this By-Law, the standards and regulations of the TBDOD always govern. Notwithstanding any other provisions of the Zoning Bylaw to the contrary, the provisions of this Section 460 supersede any requirements of the Zoning Bylaw which would otherwise impose additional or more stringent requirements on the TBDOD than those imposed by this Section 460 or Section 460A.

C. General Standards:

Any petition for a TBDOD Site Plan Review shall be governed by Section 460A.

D. Allowed Uses:

The following uses shall be allowed as a matter of right with TBDOD Site Plan Review pursuant to Section 460A:

(1) Business, professional, medical and administrative offices, research and development laboratories and facilities and other high technology and similar uses, provided any use, which produces or handles materials in a manner which will be detrimental to the health of occupants or the public will not be permitted. Evidence of the safety of said use or handling and disposition of said materials based on nationally recognized standards or sources may be required by the Building Inspector before issuance of a Building Permit.

(2) Light manufacturing, processing and assembling provided such uses are not offensive, objectionable or injurious to the abutting residential areas because of excessive noise, vibration, smoke, fumes, odors or other obnoxious features.

(3) Health Clubs.

(4) Retail and convenience uses accessory to the above allowed uses, established primarily for the convenience of employees within this District including but not limited to branch bank with drive-through, dry cleaning/laundry pick up and delivery, restaurant, farm stands and convenience mart, but excluding service stations, auto sales and repair, or sales of petroleum products.

(5) Child care center accessory to the above allowed uses as a convenience to employees within this District, except to the extent exempt under Chapter 40A, Section 3.

(6) Agriculture, horticulture, viticulture or floriculture, except to the extent exempt under Chapter 40A, Section 3.

E. Special Permit Uses

The following uses shall require a Special Permit from the Planning Board in addition to a TBDOD Site Plan Review.

(1) A public transportation center intended to provide a local and regional facility to promote the use of alternative means of transportation.

(2) Hotel, motel, conference center and other function facilities.

(3) Long-term care nursing home, rehabilitative and assisted living facilities, hospitals or other health care facilities.

(4) Restaurant with drive-through.

(5) Uses accessory to the above special permit uses.

F. Prohibited Uses:

(1) Active commercial, recreational or amusement uses except as may be accessory to the allowed or special permit uses.

(2) Retail sales except as may be accessory to the above allowed or special permit uses.

(3) Wholesale sales.

(4) Heavy industrial or manufacturing.

(5) Service stations, auto sales and repair, or sales of petroleum products.

(6) Junkyards, salvage yards, contractor yards, dumps, and landfills including landscape/asphalt facilities, medical waste disposal facilities, and hazardous waste facilities and recycling operations.

(7) Adult uses as defined in Article IX.

(8) Rendering plants and slaughterhouses.

(9) Cemeteries and crematories.

(10) Overnight campgrounds and R/V facilities.

(11) Commercial warehouses, storage facilities or outdoor, mobile or containerized storage.

(12) Trucking terminal.

G. Dimensional Requirements

TIHONET BUSINESS DEVELOPMENT OVERLAY DISTRICT

<u>Area</u>	2 acres
<u>Frontage</u>	100
<u>Depth</u>	150
<u>Setbacks</u>	
Front	25
Side/Rear	10
<u>Maximum % Coverage</u>	
Building.....	25
Lot Coverage.....	65
Height	See 17-1
<u>Maximum allowed FAR</u>75

17-1 Maximum height shall be greater of 40 feet or three stories (exclusive of rooftop mechanical equipment).

17-2 The Planning Board may modify or waive any Density and Dimensional regulations, Parking Regulations, and Landscaping requirements to the extent it deems appropriate under the TBDOD Site Plan Review, provided it finds that it is impractical to meet the standards and regulations and that such modifications are appropriate by reason of the proposed uses, or that such waiver or modifications are justified upon demonstration that the proposed design is of high standards and that any departures from the regulations and requirements will not violate the intent of the Zoning Bylaw.

H. Parking Requirements: Parking requirements in the TBDOD shall be governed by Article 9 of the Bylaw.

I. Landscaping Requirements: Landscaping requirements in the TBDOD shall be governed by Article 10 of the Bylaw.

J. Signs:

a. General Provisions

i) Signs shall relate to the premises on which they are located and shall only identify the occupancy of such premises or advertise the articles and services available within said premises.

ii) In addition to the signage allowed in sections B through E below, each lot may have 2 non-illuminated signs, not to exceed 8 square feet per sign, and 1 other non-illuminated sign per building, not to exceed 8 square feet per sign, for tenant rosters.

b. Building Signs

i) No sign shall have a signboard area (or display area if no signboard) exceeding the dimensions allowed, and included in any such area measurements is any space between display elements.

ii) Building signs are allowed up to 10% of the aggregate square footage of the front wall area. These signs may be any of the following: wall, projecting, window and awning.

iii) The total signage allowed may include a single sign, or a series of signs representing individual businesses or any combination thereof. Such signs may be placed on any wall, but in no case shall the total of all building signs exceed 10% of the front wall square footage.

iv) The top edge of the building signs shall not be higher than the roof ridge of the building, or the highest point of the roof if no ridgepole, and no higher than the top edge of a flat roof. No such sign shall exceed the outline of the face of the building or roofline from which it is reviewed.

v) A building sign shall be against the wall of the building projecting no more than 12 inches from the building surface.

c. Freestanding Signs

i) Notwithstanding anything referenced in Section J.a.(i) to the contrary, one (1) freestanding sign, identifying buildings and their tenants, is permitted at the entrance of any commercial area. In addition, one (1) other freestanding sign is permitted on each lot.

ii) A freestanding sign shall not contain more than 100 square feet in signboard area, shall not exceed 15 feet in height, and shall not be located closer than 5 feet to any lot line or block of line of sight for pedestrians and traffic. The top edge of any such freestanding sign shall be no higher than 15 feet vertical measured above the average level of the ground between the supports of each sign.

d. Directory Signs

i) Signs of no greater than 8 square feet directing traffic flow, entrances to buildings, parking areas and exits, and the like may be allowed by the Building Inspector.

e. Temporary Signs

i) Contractors and developers. For each construction or development project, there may be issued a temporary permit for one (1) freestanding sign not to exceed 32 square feet in signboard area, setting forth facts and names pertinent to the subject. Such signs shall be removed forthwith when the project is completed.

ii) Sale or rent. Sale or rent signs for a lot or business are allowed.

f. Sign Illumination

i) Signs may be illuminated only in the following manner:

1. Externally illuminated, or
2. Illumination with a wall-mounted backlit lettered sign.

ii) No sign shall be intermittently illuminated. Traveling lights, animated or flashing lights, or exposed neon-type signs shall not be permitted.

Accepted Overlays:

The Tihonet Business Development Overlay District encompasses:

METES AND BOUNDS DESCRIPTION

A parcel of land situated in the Commonwealth of Massachusetts, County of Plymouth, Town of Wareham, and shown as Tihonet Business Development Overlay District on a plan entitled "Proposed Zoning Map Tihonet Business Development Overlay District, Scale: 1" = 400', dated March 11, 2005 prepared by Beals and Thomas, Inc. including Lots 1003, 1004 and 1012 in their entirety, and a portion of Lot 1002 on Assessors' Map 107, more particularly bounded and described as follows:

Said parcel to be rezoned to Tihonet Business Development Overlay District:

Beginning at the most southeasterly corner of said area on the northerly sideline of Route 25 and the westerly sideline of Tihonet Road, thence running;

Westerly and;

Northwesterly 2,470 feet more or less by the northerly sideline of Route 25, to a point, thence running;

Easterly 750 feet more or less to a point on an irrigation canal, thence running;

Northerly and Easterly 2,420 feet more or less along the irrigation canal to the westerly sideline of Farm to Market Road, thence turning and running;

Southerly 2,880 feet more or less to the point of beginning said last two courses being bounded in part by the westerly sidelines of Farm to Market Road and Tihonet Road. Containing 75.0 Acres more or less.

2. Amend Article 4 Overlay Districts by adding a new Section 460A, as follows:

460A. TBDOD Site Plan Review

460A.1 The purpose of Site Plan Review in the TBDOD is to ensure that the impacts of development in the TBDOD are in accord with the provisions of Sections 460 and 460A of the By-Law. The TBDOD Site Plan Review does not constitute or require the issuance of a separate Special Permit. The Planning Board shall not under the TBDOD Site Plan Review prohibit an Allowed Use in the TBDOD, but rather, the Planning Board may impose reasonable terms and conditions on a proposed use.

460A.2 All new commercial structures or developments, and all developments of any type on 30 acres or greater shall be subject to TBDOD Site Plan Review.

460A.3 Information required for TBDOD Site Plan Review is governed by Section 1530 of the By-Law.

460A.4 In evaluating a TBDOD during Site Plan Review the Planning Board shall consider if the development meets the provisions of Sections 460 and 460A, including the design standards listed below and may require conditions and safeguards deemed necessary to realize, within reason, those objectives:

a. Architectural Standards

Structures shall not exceed three stories above ground. Roof dormers with both shed and gabled elevations shall be used to break down any large continuous expanses of roof surface.

All structures shall be constructed with traditional New England building materials, such as brick, cedar shingles, stone, or wood clapboard siding, or Planning Board approved facsimiles thereof, and shall include various exterior details such as columns, roof soffits, porches, and trim details.

No plate-glass windows shall be allowed, unless combined with mullioned windows.

Structures shall exhibit historic, period-style, or otherwise aesthetically pleasing architecture and appropriate materials shall be used to maintain the integrity of the style. These elements shall vary to enhance the sense of a village that has grown with the landscape and the neighborhood.

b. Building Standards

i) The uppermost floor of any office or other commercial building shall not contain an area greater than 50% of the area of the floor below.

ii) A total maximum square footage for any office or other commercial building shall be 40,000 square feet. The Planning Board may approve a structure above the maximum square footage, if the building footprint and exterior elevations are designed to minimize and break down the overall visual mass of the structure and give the appearance of a group of attached smaller scale buildings.

iii) Variation in the architecture, front elevations, building setbacks and the exterior details (roofing, siding and trim details) shall be part of the design program to promote a village setting.

iv) No building shall exceed 40 feet in height measured from the average existing grade at the foundation on the street side to the top ridge of the building, and not including mechanical, heating, ventilation, air conditioning and electrical equipment, chimneys, spires and decorative roof features.

v) Building orientation, layout and shapes shall be designed to provide adequate light and air for the building and surrounding buildings.

c. Deliveries and Trash Removal Standards

- i) All delivery and loading areas and all trash receptacles shall be screened from view of the primary street and any dwellings.

460A.5 The applicant shall submit to the Planning Board, during the Site Plan Review process in addition to other requirements for TBDOD Site Plan Review, either:

- a. A Determination of Non-Applicability of the Massachusetts Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40 and, Wareham Wetland protective By-Law issued by the Conservation Commission, as described in the Act, or
- b. An Order of Conditions or Order of Resource Area Delineation, covering the proposed work, or approving the wetland Resource Area delineations issued by the Conservation Commission for the purpose of protecting those interests described in the Massachusetts Wetlands Protection Act and the Wareham Protective By-Law.

460A.6 Procedures

- a. Enforcement: The Zoning Enforcement Officer shall have enforcement powers over any TBDOD Site Plan Approval. The Zoning Enforcement Officer shall inspect and enforce any and all stipulations and/or conditions placed upon the approval of any TBDOD Site Plan. Failure to satisfy the conditions of any TBDOD Site Plan Approval may result in the withholding of a Certificate of Occupancy.
- b. Pre-Application Review: To promote better understanding and to avoid misunderstandings, applicants may submit preliminary or completed plans and materials to the Planning Department for informal review to ensure that the requirements of Section 460A.3 have been met.
- c. Application: Application for TBDOD Site Plan Review shall be filed with the Planning Board at a regularly scheduled meeting and a copy given to the Town Clerk. The Applicant for TBDOD Site Plan Review shall file with the application to the Planning Board fourteen (14) prints of the plans and fourteen (14) copies of any additional plan information required of the applicant. Failure of the applicant to submit the information required in 460.3, herein, may be grounds for a recommendation of disapproval of the application for TBDOD Site Plan Review.
- d. Use of Outside Consultants: After the applicant has filed a site plan, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project or its potential impact on the Town. In hiring outside consultants, the Planning Board may engage the services of engineers, planners, lawyers, designers or other appropriate professionals who can assist the Planning Board in analyzing the application and project to ensure compliance with Sections 460 and 460A of the By-Law. If the Director of Planning determines that such services are required, the applicant shall pay a TBDOD Site Plan Review Fee prior to the public hearing and the substantive review of the application by the outside consultants.
- e. Review by Town Officials: TBDOD Site Plan Review by Town Officials shall be governed by Sections 1565.2 of the By-Laws.
- f. Public Hearing: Public Hearings with respect to TBDOD Site Plan Review shall be governed by Section 1565.3 of the By-Law.
- g. Administration: Administration of the TBDOD Site Plan Review shall be governed by Section 1566 of the By-Law.

Inserted by the Board of Selectmen

ARTICLE 22

To see if the Town will vote to appropriate and transfer \$165,485 from available funds and appropriate funds and authorize borrowing subject to Chapter 44, Section 7 or 8 of the Massachusetts General Laws, or any other enabling authority, for the purpose for the following capital improvement project; replacement of the heating pipes in the "E" Wing of the John W. Decas Elementary School, or to do or act in any manner relative thereto.

Inserted by the Wareham School Committee

ARTICLE 23

To see if the Town will vote to accept the proposal of the Upper Cape Cod Regional Technical School District to amend the Regional School District Agreement for the Towns of Bourne, Falmouth, Sandwich, Wareham, and Marion, effective July 1, 2005 said amendment to provide that commencing in calendar year 2006, at the biennial state election, members of the regional school district committee shall be chosen by the voters in said district in district-wide elections with residency requirements as set forth in General Laws, Chapter 71, Section 14E, as amended by Chapter 10 of the Acts of 1988. Each committee member shall serve for a term of four (4) years, said terms will be staggered so that four (4) members will be elected at the biennial election in 2006 and five (5) members will be elected at the biennial election in 2008 and in the same order at each biennial election thereafter.

Those members elected in the spring of 2004 shall serve until their successors are duly elected and qualified in 2008 in accordance with the provisions of Massachusetts General Laws and this agreement.

Those members elected in the spring of 2005 shall serve until their successors are duly elected and qualified in 2008 in accordance with the provisions of Massachusetts General Laws and this agreement. There shall not be an election for members in the spring of 2006. Those members who would have been elected in the spring of 2006 will be subject to the biennial election of 2006.

All other requirements of Chapter 10 of the Acts of 1988 with respect to the appointment of a regional district clerk, filing of nomination papers, etc., shall be as required for district-wide elections with residency requirements. The School Committee shall remain with nine (9) members, two (2) each from Bourne, Falmouth, Sandwich and Wareham, and one (1) from Marion.

The term of office of any elected member of the Upper Cape Cod Regional Technical School District shall commence at the next regularly scheduled School Committee meeting in December following the date of his/her election. The incumbent members shall serve until their respective successors are duly elected and qualified in accordance with the provisions of Massachusetts Law and this agreement.

Promptly upon appointment and qualifications of the members of the School Committee, the Committee shall, at the first regularly scheduled committee meeting in each calendar year thereafter, organize and choose by ballot a Chairman, a Vice Chairman, a Treasurer, and Secretary from among its own membership. The Committee shall then fix the time and place for its regular meetings, provide for the calling of special meetings and specify the notice required for each of said meetings.

Inserted by the Upper Cape Cod Regional Vocational Technical School District

Given under our hands this 15th day of March in the year 2005.

WAREHAM BOARD OF SELECTMEN

Patrick G. Tropeano, Chairman

Bruce D. Sauvageau, Clerk

Mary Jane Pillsbury

R. Renée Fernandes-Abbott

Cynthia K. Parola

A True Copy

ATTEST:

Constable of Wareham

DATE_____

Plymouth, §

Date_____

Pursuant to the within Warrant, I have notified the inhabitants of the Town of Wareham herein described, to meet at the time and place for the purpose within mentioned by posting attested copies thereof in at least one public place in each precinct within the Town on or before March 18, 2005, and by causing this Warrant to be published on or before April 7, 2005.

Date_____

Constable of Wareham
Robert E. Short

The original posting with return made was delivered to Mary Ann Silva, Town Clerk.

Date_____

Constable of Wareham
Robert E. Short

Date_____

In accordance with the Wareham Charter, Article 2 - Legislative Branch - Section 2-4, Town Meeting Warrants, Item (d), I have hand delivered a copy of the Warrant for the Special Town Meeting to be held on April 25, 2005 at 7:00 o'clock p.m. to the Town Moderator, Chairman of the Finance Committee, Chairman of the Planning Board, Chairman of the Capital Planning Committee and Chairman of the Personnel Board.

Constable of Wareham
Robert E. Short