

**FALL TOWN MEETING WARRANT
TOWN OF WAREHAM**

OCTOBER 23, 2006

WAREHAM HIGH SCHOOL
7 VIKING DRIVE
WAREHAM, MA 7:00 PM

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 High School Auditorium, 7 Viking Drive, Wareham, MA on Monday, October 23, 2006 to act on the following articles:

ARTICLE 1

To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds a sum of money to supplement fiscal 2007 operating budget and adjust fiscal 2007 operating budget to reflect changes in State Aid, or to do or act in any manner relative thereto.

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

ARTICLE 2

To see if the Town will vote to appropriate and transfer a sum of money from available funds to the Stabilization Fund, 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 appropriate and transfer a sum of money from available funds and appropriate funds and authorize borrowing subject to Chapter 44, Sections 7 or 8 of Massachusetts General Laws, or any other enabling authority, for the purpose of capital improvement projects including replacement of vehicles and equipment and repairs and improvements to Town buildings, facilities and waterways, 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 \$10,000 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 Town Administrator

ARTICLE 5

To see if the Town will vote to transfer \$10,000 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 Town Administrator

ARTICLE 6

To see if the Town will vote to appropriate from available funds the sum of \$188,290.00 in accordance with Chapter 122 of the Acts of 2006, under the provisions of §34 (2) (a) of Chapter 90 of Massachusetts General Laws for the purpose of constructing, reconstructing and improving primary roads and local roads eligible for reimbursement, and all other eligible transportation enhancement projects, or to do or act in any manner relative thereto.

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

ARTICLE 7

To see if the Town will vote to transfer \$25,000.00 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 Town Administrator

ARTICLE 8

To see if the Town will vote to raise and appropriate or to transfer \$100,000.00 from the Harbor Service Permit Reserved for Appropriations Account, to the Harbormaster Departmental Expense Budget, or to do or act in any manner relative thereto.

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

ARTICLE 9

To see if the Town will vote to amend the General By-laws by inserting a new by-law, Division I, Article II, Section 3, Residency Requirements for Appointment to Multiple-Member Boards, Committees, Commissions and Authorities, as follows:

All persons appointed to multiple member boards, committees, commissions and authorities shall be residents of the Town of Wareham who are eligible to be or who are registered to vote in the Town of Wareham; provided, however, that this by-law shall not apply to appointments to those boards, committees, commissions or authorities whose charge or enabling legislation specifically allows for or requires appointment of non-resident members. If an appointed member of a multiple member board, committee, commission or authority shall remove from the Town, such member shall, after a hearing held by the Board of Selectmen, be deemed to have vacated his office. If an appointed member of a multiple member board, committee, commission or authority moves within the Town, notice shall be provided to the Board of Selectmen within 30 days of such move.

Applicants for appointment and reappointment to multiple member municipal boards, committees, commissions and authorities shall provide to the appointing authority proof of residence in the Town. For purposes of this by-law, proof of residence shall include, but not be limited to, a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other government-issued printed identification which contains the person's name and address. The appointing authority may require provision of additional evidence of residence, 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 amend the General By-laws of the Town of Wareham, Division VI, Article I, "Wetland Protective By-law" by adding a new Section XV, thereto, in order to enact a temporary moratorium on the construction of new piers and docks and the expansion of existing docks and piers on all bodies of water within the Town, while still allowing repairs to existing docks and piers under the existing requirements, until November 1, 2007 as follows:

XV. Temporary Moratorium on New Piers and Docks and Replacement and Expansion Until November 1, 2007.

Whereas the boundary of the Town of Wareham encompasses various bodies of water; and whereas such bodies of water are for the enjoyment of all the inhabitants of and visitors to the Town of Wareham; therefore, all private entities (individuals, groups, associations, corporations, non-profits or other entities) shall be prohibited from obtaining permission under this By-law to construct any new dock or pier in the Town (whether temporary or permanent) or to expand any existing dock or pier in the Town in any water body or waterway in the Town from the date of passage of this moratorium until November 1, 2007. Any work that would result in the reconfiguration of a dock or a pier's pilings to a new location shall be deemed to be an expansion. The moratorium shall not apply to any dock or pier permit issued prior to September 6, 2006, or any pier application that is currently under review through a public hearing before the Conservation Commission. Permission under the By-law to repair (but not expand) any dock or pier in existence upon adoption of this provision will be granted on a case-by-case basis under this By-law, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Conservation Commission

ARTICLE 11

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation relative to the provision of health insurance to surviving spouses of long-term employees of the Town of Wareham, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or to do or act in any manner relative thereto.

AN ACT RELATIVE TO PROVISION OF HEALTH INSURANCE TO SURVIVING SPOUSES OF LONG-TERM EMPLOYEES OF THE TOWN OF WAREHAM

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding the provisions of chapter 32B of the General Laws, or of any other general or special law to the contrary, upon the death of an employee or a retired employee who has been continuously employed by the town of Wareham for at least 10 years, the surviving spouse may continue the group general or blanket insurance coverage for the surviving spouse and dependents of the deceased employee providing hospital, surgical, medical, dental and other health benefits on the same terms and conditions and upon payment of the same premium as retired employees of the town, until the remarriage or death of said surviving spouse; provided, that application for such insurance coverage shall be filed with the appropriate public authority and a method for the payment of premiums shall be determined in accordance with the appropriate public authority's rules and regulations.

Section 2. Upon the death of any other employee or retired employee of the town of Wareham, the surviving spouse may continue the group general or blanket insurance coverage for the surviving spouse and dependents of the deceased employee providing hospital, surgical, medical, dental and other health benefits, until the remarriage or death of said surviving spouse; provided, that application

for such insurance coverage shall be filed with the appropriate public authority and a method for the payment of premiums shall be determined in accordance with its rules and regulations; and provided, further, that said surviving spouse shall pay the entire cost of such premiums without any contribution by the town of Wareham.

Section 3. The provisions of this act shall be applicable to all surviving spouses of a deceased employee or retired employee who has been continuously employed by the town of Wareham for at least 10 years and who are participating in the town's health insurance plans as of the effective date of this act.

Section 4. The Wareham board of selectmen is hereby authorized to promulgate regulations, as may be necessary or desirable to implement the provisions of this act.

Section 5. This act shall take effect upon passage.

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

ARTICLE 12

To see if the Town will vote to act upon the reports of the Board of Selectmen and School Committee as required by stature and upon any other reports from officers and committees who consider it expedient to do so, or to do or act in any manner relative thereto.

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

ARTICLE 13

To see if the Town will vote from Community Preservation funds estimated annual revenues the sum of \$155,572.78 for payment of debt service on the Tremont Nail property and \$11,752.22 for payment of debt service on the property known as Bryant Farm, both voted for purchase by Town Meeting in April 2004, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 14

To see if the Town will vote to transfer \$350,000 reserved under Article 24 of the October 2004 Town Meeting for the acquisition of 9.37 acres more or less, shown as Lot 1018 on Map 81, 36 Station Street, to the unrestricted Community Preservation fund account, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 15

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenues under the category of Historic Preservation \$341,400 more or less for the restoration and rehabilitation of Oak Grove School, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 16

To see if the Town will vote to authorize the appropriation from Community Preservation funds estimated annual revenues, under the category of Open Space, up to \$300,000 for the acquisition of a conservation restriction from the Wareham Land Trust with respect to 63.4 acres of pine barrens in Wareham on Glen Charlie Pond designated on Assessor's Map 117, Lot 1012 as recommended by the

Community Preservation Committee for meeting the Open Space goal of the Wareham Community Preservation Plan, such conservation restriction to be under the care, custody, management, and control of the Conservation Commission, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 17

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenue under the category of Open Space the amount of \$6,000 more or less for trail improvements and signage on the town-owned Minot Forest, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 18

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenues under the category of Recreation the amount of \$25,000 more or less for the preservation and restoration of two tennis courts on town-owned property behind the Wareham Middle School, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 19

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenues under the category of Recreation the amount of \$68,500 more or less for additional expenses incurred in the development of four athletic fields at the recreation complex known as Westfield located off Charge Pond Road, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 20

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenues under the category of Recreation the amount of \$124,562 more or less to restore and preserve Spillane Field on the grounds of the Wareham Public Schools behind 48 Marion Road, work to include renovation of irrigation system, new well, fencing and sod surface, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 21

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenues under the category of Recreation the amount of \$200,800 more or less for the preservation and restoration of the Andersson Track, located off Viking Drive, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 22

To see if the Town will vote to appropriate up to \$17,500 more or less from the Community Preservation fund estimated annual revenues under the category of Historical Preservation for the purpose of developing a town historic preservation plan including the hiring a preservation consultant who will prepare the document for approval by the Wareham Board of Selectmen and by the Massachusetts Historical Commission, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 23

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenue under the category of Historic Preservation the amount of up to \$34,000 more or less for the restoration and rehabilitation of the roof and related structures of the On-I-Set Wigwam and a similar structure, the so-called Ticket Booth at 9 Crescent Place in Onset, Lot 357 on Assessor's Map 1, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 24

To see if the Town will vote to appropriate from Community Preservation funds estimated annual revenues under the category of Historic Preservation the amount of \$4,537 more or less for the acquisition of a historic preservation restriction from the Wareham Historical Society, Inc., with respect to Fearing Tavern, in Wareham, designated on Assessor's Map 132 as Lot 1000 B1, as recommended by the Community Preservation Committee, such real property interest to be under the care, custody, management and control of the Wareham Historical Commission, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Community Preservation Committee

ARTICLE 25

To see if the town will vote to amend the By-Laws of the Town of Wareham Division IV, Article III, Earth Removal Regulations by **deleting** Section 4 (i): Validity and by **adding** Section 4 (j): Validity, or to do or act in any manner relative thereto.

EXPLANATION:

This additional subject to Section 4 of the Earth Removal Regulations was approved at the April 24, 2006 special town meeting Article 38. The intent was not to duplicate (i), of Section 4, but to add (j).

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

ARTICLE 26

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey a fee simple interest or a long-term lease interest for a term of up to ninety-nine (99) years in a portion of the Town-owned land known as "Westfield," located off Charlotte Furnace Road, Wareham, shown as Assessors' Map 105, Parcels 1001, 1006, 1009, 1010, 1011, 1048 and Assessors' Map 105A, Parcels 90 through 137, 153 through 190, and 192 through 287, and described in the instrument recorded with the Plymouth District Registry of Deeds in Book 4314, Page 189, said portion containing 24.49 acres, more or less, (the "Affordable Housing Land"), and to authorize the Board of Selectmen to convey as appurtenant to said Affordable Housing Land with respect to an abutting portion of said "Westfield" land, said portion containing 5 acres, more or less, an easement or license for subsurface sewage disposal system purposes, both conveyances to be for such monetary or non-monetary consideration and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate for the purpose of ensuring the development of affordable housing, or to do or act in any manner relative thereto.

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

ARTICLE 27

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court in the following form:

AN ACT RELATIVE TO INTEREST RATES TO BE CHARGED UPON APPORTIONED BETTERMENT ASSESSMENTS IN THE TOWN OF WAREHAM

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Notwithstanding the provisions of any general or special law to the contrary, the town of Wareham is hereby authorized with respect to betterment assessments for any or all projects assessed after the effective date of this act, to assess interest on apportionments of such assessments at the rate of interest set by the Town by bylaw, or by vote with respect to a particular project, provided that that no such rate shall exceed the rates permitted by section 13 of chapter 80 of the general laws and provided that if the Town does not elect to set lower rates as authorized under this act, the town shall charge interest at the rates permitted by section 13 of chapter 80 of the general laws.

Section 2. This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition; or to do or act in any manner relative thereto.

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

ARTICLE 28

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court in the following form:

AN ACT RELATIVE TO THE INTEREST RATE TO BE CHARGED UPON APPORTIONED BETTERMENT ASSESSMENTS FOR THE WEWEANTIC SEWER PROJECT IN THE TOWN OF WAREHAM

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Notwithstanding the provisions of any general or special law to the contrary, the town of Wareham shall assess interest on apportionments of sewer betterment assessments for the Weweantic sewer project, the betterment assessment statement for which was recorded with the Plymouth County Registry of Deeds on November 14, 2003, in Book 27023, Page 221, at a rate of one-half of one percent.

Section 2: If upon the effective date of this act such assessments have already been apportioned and one or more portions with interest at the rates allowed under section 13 of chapter 80 of the general laws have been added to the annual tax assessed with respect to the assessed properties, then from the first day of October after the effective date of this act, such apportioned assessments shall bear interest at the rate authorized by Section 1 of this act.

Section 3. This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition; or to do or act in any manner relative thereto.

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

ARTICLE 29

To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town of Wareham, the provisions of G.L. c.39, §23D, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, or to do or act in any manner relative thereto.

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

ARTICLE 30

To see if the Town will vote to amend the zoning by-laws by adding a new zoning district entitled East Wareham Village by re-zoning a portion of land currently zoned as Strip Commercial.

Add to Article 2: "Zoning Districts" the following definition for East Wareham Village: "211.2 e) East Wareham Village (EWV): East Wareham Village is intended to promote business and moderate density residential development that provides a stable economic base, fosters the re-use of existing buildings and promotes visual connections to the waterfront"

Add to the Use Tables at Article 3, Table 320 "Table of Principal Use Regulations" the following uses for EWV (see EWV Uses below):

Add to Article 6 "Density and Dimensional Regulations at OV2 (Onset Village 2)

Add the EWV map description to "APPENDIX 1 Boundaries of Districts", deleting the language for the current Strip Commercial District this language replaces and; to replace the current Strip Commercial map designation of the Wareham Zoning Map with EWV (see Map #3).

EXPLANATION:

This article bundles together several amendments that work in conjunction with one another; without one of the pieces, the remainder will not work. This article adds a new zoning designation to the By-Law's Zoning Map, by rezoning a portion of land that is currently zoned Strip Commercial, Use Tables, Zoning District Boundaries and Density and Dimensional Regulations. The Dimensional Regulations for the new district are the same as those for Onset Village 2 (OV2). By changing this existing Strip Commercial area to a Village District, the area will be allowed to develop as it has in the past, as a village.

Zoning Map Amendment for East Wareham Village (Map #3):

East Wareham Village District

c) Beginning at the Southeasterly corner of Lot 1001 (Adjacent Beaver Dam Pond) along the Southern property line of Lot 1001 as shown on Wareham Assessors Maps 14 (as of 2005) across Onset Avenue to Lot 1001 as shown on Wareham Assessors Map17 (as of 2005);

Thence Southerly along the Southern Right of Way of Onset Avenue to the Southeast corner of Lot 1005 as shown on Wareham Assessors Map17 (as of 2005);

Thence Westerly along the Southern lot lines of Lots 1005 and 1004 to the Easterly boundary of the

Right of Way for Great Neck Road as shown on Wareham Assessors Map17 (as of 2005);

Thence Northerly along the Eastern Right of Way of Great Neck Road to the Intersection with Minot Avenue as shown on Wareham Assessors Map17 (as of 2005);

Thence Northerly along the Western Right of Way of Depot Street to the Southeastern corner of Lot 1070A as shown on Wareham Assessors Map 43 (as of 2005);

Thence Westerly to the Southwesterly corner of Lot 1070A as shown on Wareham Assessors Map 43 (as of 2005);

Thence Northerly along the Western property line of Lot 1070A to the Southern Right of Way of the Railroad (Former New Haven RR) as shown on Wareham Assessors Map 43 (as of 2005);

Thence Westerly Along the Southern Right of Way of the Railroad (Former New Haven RR) to the Southwestern corner of Lot 1082B as shown on Wareham Assessors Map 43 (as of 2005);

Thence Northerly along the Western property lines of Lots 1082, 1081 and 1067 to the Southern Right of Way line of Knowles Avenue as shown on Wareham Assessors Map 43 (as of 2005);

Thence Easterly along the Southern Right of Way line of Knowles Avenue to the Northeasterly corner of Lot 1066 as shown on Wareham Assessors Map 43 (as of 2005);

Thence Southerly along the Eastern property line of Lot 1006 to the Southwesterly corner of Lot 1054 as shown on Wareham Assessors Map 43 (as of 2005);

Thence Easterly along the Southern property lines of Lot 1054, Lot 1055 and Lot 1056 to the Northeasterly corner of Lot 1065A as shown on Wareham Assessors Map 43 (as of 2005);

Thence South along the properties lines of Lots 1058 and 1059 to the Southwestern corner of Lot 1059 as shown on Wareham Assessors Map 43 (as of 2005);

Thence Easterly along the Northern property lines of Lots 1064, 1063 and 1061 to the Western Right of Way line of Depot Street as shown on Wareham Assessors Map 43 (as of 2005);

Thence Southerly Along the Right of Way of Depot Street to a point directly across from the Northwesterly corner of Lot 1000 as shown on Wareham Assessors Map 14 (as of 2005);

Thence Easterly across Depot Street along the Northern property line of Lot 1000 to the Northeasterly corner of Lot 1000 as shown on Wareham Assessors Map 14 (as of 2005);

Thence Southerly along the Eastern property line of Lots 1000 and 1001 (Adjacent Beaver Dam Pond) to the Point of beginning

Zoning Amendment: Table of Use Changes for the East Wareham Village:

PRINCIPAL USE

DISTRICT

<u>AGRICULTURAL AND RURAL USES</u>	<u>EWV</u>
Agricultural uses upon tracts less than 5 acres	N
Agricultural uses upon tracts of 5 acres or more	Y
Cider mill, ice house, temp. sawmill less than 5 acres	SPZ

Cider mill, ice house, temp. sawmill more than 5 acres	Y
Horticulture on less than 5 acres	SPZ

ANIMAL-RELATED USES EWV

Animal kennels less than 5 acres	SPZ
Animal kennels more than 5 acres	Y
Riding stable less than 5 acres	N
Riding stable more than 5 acres	Y
Piggeries, fur farms less than 5 acres	N
Piggeries, fur farms more than 5 acres	Y
Veterinary hospital less than 5 acres	Y
Veterinary hospital more than 5 acres	Y

RECREATIONAL USES EWV

Campground	SPZ
Golf course or golf club	N
Non-profit recreation	Y
Health or athletic facility	Y
Tennis club	Y
Youth camp	SPZ

RESIDENTIAL USES EWV

1-family detached dwelling	Y
2-family dwelling	Y
3 to 4 family dwelling in existing structure	SPZ
3 to 4 dwelling in new structures	N
5+family dwelling in existing structures	SPZ
5+dwelling in new structures	N
Apartments in mixed use building	SPZ
Manufactured home	Y
Residential Cluster Development	SPP
Seasonal conversion	SPZ

COMMERCIAL USES EWV

Banks	Y
Offices	Y
Retail businesses	Y
Service establishments not involving manufacture on premises	Y
Motor vehicle service	SPZ
Motor vehicle sales	SPZ
Filling stations for gasoline, diesel fuel, liquid propane	N
Dry cleaning / laundromat	N
Conference center	Y
Motel, hotel	Y
Bed & breakfast	Y
Guest house	SPZ
Neighborhood grocery store	Y
Wholesale business	
Restaurants	Y
Drive-in establishment	N
Commercial recreational facilities	Y
Other places of amusement	Y

Adult use	N
EDUCATIONAL AND INSTITUTIONAL USES	EWV
Municipal use	Y
Hospital, hospital connected facilities.....	N
Nursing home, intermediate care center, day care center	SPZ
Educational use, non-exempt.....	Y
Educational use, exempt	Y
Oceanographic and engineering research	SPZ
Membership club	Y
Religious use	Y
Other places of assembly	Y
Cemetery	SPZ
INDUSTRIAL USES	EWV
Manufacturing of products produced on premises the major portion of which are sold on premises from producer to consumer.....	SPZ
Light manufacturing	N
Manufacture of marine vessels.....	SPZ
Industrial (except earth removal).....	N
Gravel, loam, sand, stone, or earth removal	N
Fish processing plants	N
Storage facilities.....	N
Junkyards and salvage yards	N
Hazardous waste facility.....	N
Solid waste facility	N
TRANSPORTATION USES	EWV
Aviation field	N
Public service or other passenger stations	Y
Trucking and transportation terminals	N
MARINE USES	EWV
Marinas	SPZ
Retail sale of marine equipment and supplies (not including fish products or food).....	Y
UTILITY	EWV
Public utility Structures for public utility use not including repair stations or outside storage of supplies.....	SPZ
Wireless communication facility, not exceeding 40 feet in height.....	Y
Wireless communication facility, exceeding 40 feet in height.....	SPZ

340 TABLE OF ACCESSORY USE REGULATIONS

ACCESSORY USE	DISTRICT
AGRICULTURAL AND RURAL USES	EWV
Farm-stand or roadside-stand	Y
RECREATIONAL USES	
Food and beverage services and accessory uses related to permitted recreational activities	Y
Food and beverage services and accessory uses related to permitted motels, hotels, and conference centers	SPZ

RESIDENTIAL USES

Accessory apartment	Y
Home occupation	Y
Home office of profession or trade conducted by a resident of the premises	Y
Taking of boarders or lodgers	SPZ

EDUCATIONAL AND INSTITUTIONAL USES SPZ

Accessory uses for scientific research, scientific development, or related production activities.

COMMERCIAL USES

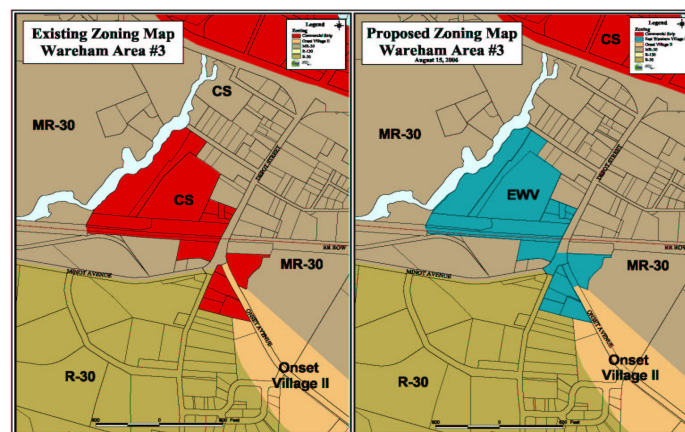
Outdoor advertising	N
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MARINE USES

Filling stations for marine vessels	N
Marine connected uses	N

UTILITIES

Direct antenna 5 feet or more in diameter	SPZ
Direct broadcast antenna, under five feet in diameter	Y
Wireless communications facility enclosed	Y
Wireless communications facility, attached to existing structure not exceeding 40 feet in height.....	Y



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

ARTICLE 31

To see if the Town will vote to amend Article 5 of the Wareham Zoning By-Law “Supplemental Regulations” by adding the following language entitled “INCLUSIONARY ZONING”

580 INCLUSIONARY ZONING

580.1 Purpose and Intent

The purpose of this bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable housing in compliance with the Wareham Comprehensive Housing Plan, M. G.L. c 40B sec. 20-23 and ongoing programs within the Town to increase the supply of affordable housing that is permanently available to and affordable by low and moderate income households.

In addition this bylaw/ordinance is intended to:

- o Allow greater flexibility and creativity in the design of residential developments.

- o Encourage a greater diversity of housing accommodations to meet the needs of families and other Wareham residents.
- o Maintain the Town's traditional character and land use patterns.
- o Encourage reduced sprawl and a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision.

580.2 Definitions

Affordable housing units - A dwelling unit available at a cost of no more than 30% of gross household income of households at or below 70% of median income as reported in the most recent information from the U. S. Department of Housing and Urban Development (HUD), including units listed under M.G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program.

Qualified affordable housing unit purchaser - The median annual income for Boston metropolitan area (PMSA) shall be used to determine the ranges of annual income for low-income, and moderate-income households with adjustments for household size, as reported in the most recent information from the United States Department of Housing and Urban Development (HUD)

- o Low Income Household - below 50% of Boston SMSA median income
- o Moderate Income Household - 50 to 70% of Boston SMSA median income

Monitoring Authority – A qualified agent selected from a pre-approved list provided by the Planning Board who shall be responsible for insuring that the income and asset eligibility requirements of potential homeowner households for low or moderate-income units have been met.

Off-Site Location - Located on a site other than the primary subdivision or development location and must be in a residential and/or village-zoning district approved by the Planning Board.

580.3 Applicability

In order to obtain a favorable recommendation and/or action, where applicable, from a Granting Authority, which increases the value of a residential property, by permitting higher density, or reduces a developer's expense, by granting a waiver or variance from normal standards, the Town should receive a benefit, such as some type of affordable housing, in return. Further, the Town should refrain from actions that increase value, or reduce expenses, unless it does receive such a benefit.

580.3A Division of Land - This Bylaw shall apply in the division of any land into ten (10) or more residential lots, including Article 8 Alternative Residential Site Development, as well as for "conventional" or "grid" divisions allowed by G.L. c. 41 sec. 81-L and sec. 81U, including those divisions of land not requiring subdivision approval (Form A or ANR).

580.3B Non-Division of Land - Multi-Family Units in excess of 10 units and as stated in Article 8 section 820.

580.3C Segmentation or Phasing: A development project or the creation of new lots shall not be segmented or phased to avoid compliance with this requirement. Divisions of land under ten (10) lots/units shall provide a restriction, suitable in the opinion of the Planning Board, recorded at the Plymouth Registry of Deeds prohibiting the creation of additional lots/units on the property for a period of not less than 5 years.

580.4 Mandatory Provision of Affordable Units

The Planning Board shall, as a condition of approval of any development referred to in Section 582, require that the applicant comply with the obligation to provide affordable housing pursuant to this Bylaw and more fully described in this Section.

580.4A At least ten (10) percent of the selling units in a division of land or units in a multiple unit development subject to this Bylaw shall be established as affordable housing units in any one or combination of methods provided below. Unit between each multiple of 10 shall be

assessed as follows: (Note: the contribution/unit is subject to the provisions of 580.4D.)

Units	Contribution/unit	Additional unit
11-13	N/A	N/A
14-16	\$150,000.00	1
17-19	\$250,000.00	1

580.4B An applicant may offer, and the Housing Trust Fund, may accept donations of land in fee simple, off-site that the Planning board determine are suitable for construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The applicant shall provide an appraisal of the land in question, as well as information from the Board of Health and Conservation Commission as to the suitability of the lot(s) for construction of housing.

580.4C As an alternative to the requirements of 583-2, an applicant may contribute to the Housing Trust Fund to be used for affordable housing needs in lieu of constructing and offering affordable units within the locus of the proposed development or off-site location.

580.4D Fees-in-lieu of Affordable units - Subject to this Bylaw, the applicant may pay a fee in lieu of construction of affordable units, on-site or off-site, to the Housing Trust Fund. The fee in lieu of the construction of affordable units is determined to be \$250,000 per unit (\$250,000 X number of affordable units = fee). Unless or until the cost of an affordable unit is adjusted by Town Meeting, the fee in lieu of construction of affordable units/lots shall increase four and one half (4.5%) percent every twelve (12) months from the effective date of this Bylaw. Based on market conditions, applicants may petition the Zoning Board of Appeals for reductions in either the unit price or yearly percent increase. These petition must be supported by both private and government data supporting a reduction.

580.5 Provision of Affordable Housing Units Off-Site An applicant subject to this Bylaw may develop, construct or otherwise provide affordable units equivalent to those required by section 583-1 off-site. All requirements that apply to on-site provisions of affordable units shall apply to off-site affordable units. In addition, the Planning Board shall approve the location of the off-site units to be provided as an integral element of the approval process.

580.6 Maximum Incomes and Selling Prices: Initial Sale In order to ensure only eligible households purchase affordable housing units, the purchaser shall be required to submit copies of the last three (3) years' federal and state income tax returns and certify, in writing prior to transfer of title, to the Monitoring Authority or their agent and within thirty (30) days following transfer of title, that his/her or their family's annual income level does not exceed the median income based on household size as determined by HUD. The household shall not have owned a home within three years preceding the application, with the exception of displaced homemakers and elderly households (where at least one household member is 55 or over).

580.7 Preservation of Affordability: Restrictions on Resale All affordable units created under this Bylaw shall, through controls on rental levels or the resale value, remain affordable. The rental levels or resale value should be determined primarily by the ability of targeted income groups to rent or purchase and only Secondly related to indices of inflation. The resale controls shall be established through a deed restriction on the property, recorded at the Plymouth County Registry of Deeds or Land Court and shall be in- force in perpetuity or as long a period as is lawful. A monitoring authority selected from a pre-approved list provided by the Planning Board must monitor sales and rentals to:

- 1) Insure the acquisition price or rent levels of housing units remain affordable to target income groups, and
- 2) Avoid windfall profits to subsequent occupants if inclusionary units (which are produced by some form of public assistance) were to be sold at then prevailing market rates.

580.7A The Planning Board shall require, under this Bylaw, that the deeds to affordable housing units contain restrictions on renting or leasing said units during the period which the

housing unit contains a restriction on affordability. The Zoning Enforcement Officer shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded at the Plymouth County Registry of Deeds or Land Court.

580.7B Resale Price Multiplier - Sales beyond the initial sale to a qualified purchaser set forth in the most recently recorded Resale Price Certificate. The original Resale Price Multiplier as calculated by Mass Housing by dividing the initial sale price by the base income number at the time of the initial sale from the developer to the first eligible purchaser. The Base Income Number will multiply this number at the time of resale by the Grantee to determine (in part) the maximum Resale Price on such resale. In the event improvements have been made to the property, the Monitoring Authority will recalculate the Resale Price Multiplier by dividing the purchase price (not including the Resale fees) by the base income number at the time of such purchase. And a new Resale Price Certificate will be recorded immediately following the recording of this deed.

Example – The Base Income Number at the time of the initial sale is \$80,800 and the initial sale price is \$150,000. The Resale Price Multiplier would equal 1.86 ($150,000/80,800 = 1.86$). At the time the initial purchaser sells the unit, the Base Income Number has increased to \$88,072 and the cost of Approved Capital Improvements (a new roof) equals \$5,000, the Maximum Resale Price would be calculated as follows: $\$88,072 \times 1.86 = \$163,814$ + the resale fee + \$5,000. If the subsequent purchaser sells the unit at the time when the Base Income Number is \$85,000, the Maximum Resale Price would be calculated as follows: (a) recalculated Price Multiplier would = $(163,814/88,072 = 1.92)$; (b) $\$85,000 \times 1.92 = \$163,200$ + Resale Fee + Approved Capital Improvements, if any.

580.7C Determination of Offer to Sell - If the Monitoring Authority determines that a purchase and sale agreement does not contain a bona fide offer, it shall so advise the Owner who shall not proceed with the sale. The Owner may dispute the Monitoring Authorities determination in arbitration by an arbitrator named by the Greater Boston Real Estate Board and paid for at the Owners expense.

580.7D Right of first refusal to purchase - The purchaser of an affordable housing unit developed as a result of this Bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Towns right of first refusal for a period of not less than one hundred eighty (180) days to purchase the property or assignment thereof, in the event a qualified affordable purchaser cannot be located, despite the diligent efforts to sell the property. The Owner shall give notice of their intention to sell, transfer or otherwise dispose of the property in a written notice which shall be mailed to the monitoring authority both by regular mail and by certified mail, return receipt requested. The notice shall include the name and address of the Owner, a description of the premises, including a title reference, and shall specify an intent to sell, convey or dispose, and shall reference the first refusal option and shall include a copy of the purchase and sale agreement.

580.7E Exercise of Option - A written notice signed by a representative who has been designated by the Monitoring Authority or its assignee shall exercise the first refusal option. The notice (exercising the option) shall be mailed to the Owner by certified mail, return receipt requested, at the address specified in the Owner's prior notice. The notice (exercising the option) shall be recorded with the Plymouth County Registry of Deeds or, with the Land Court. The notice (exercising the option) shall reference the Owner, the property, including a title reference, a statement that the first refusal option will be exercised, and the price. If the Monitoring Authority has assigned the first refusal option, the notice (exercising the option) shall also state the name and address of the assignee and the terms and conditions of the assignment.

Non-Exercise of Option - In the event that the Monitoring Authority shall determine not to exercise the first refusal option, they will notify the Owner in writing. The notice of no exercise shall reference the Owner, the property, including a title reference, and state that the first refusal option will not be exercised; the Owner shall record such notice with the Registry of Deeds or Land Court.

580.8 Provisions Applicable to Affordable Housing Units On and Off – Site

580.8A Siting of Affordable Units – All affordable units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. Affordable housing units provided off-site shall compliment the surrounding neighborhood and be compatible in design, appearance, construction and quality of materials with surrounding units.

580.8B Design and construction standards – Affordable housing units shall be integrated with the rest of the neighborhood and shall be compatible in exterior design, exterior appearance, construction and use the same quality of materials as the other units.

580.8C Local Preference – The Planning Board shall require the applicant to comply with local preference requirements, as established by the Board of Selectmen.

580.8D Timing of construction or provision of affordable units or lots - Affordable housing units shall be provided coincident to the development of market-rate units. Building permits shall not be issued for the construction of any dwelling unit in the second 50% of the market rate dwelling units, which are linked to affordable dwelling units, on or off-site, until construction has begun on ALL affordable dwelling units.

580.9 Marketing Plan for Affordable Units Applicants under this Bylaw shall submit a marketing plan or other guidelines/standards for approval by the Planning Board. Affirmative fair marketing of all the affordable units shall be conducted to provide maximum opportunity for low and moderate-income households, including minority

EXPLANATION:

The amendment to Article 5 empowers the Town to maintain a supply of affordable housing thru a methodology that requires a developer of land to provide affordable units in subdivisions of 10 or more lots. There are two other methods of fulfilling this requirement: the first, by providing similar units on another appropriate site as approved by the Planning Board or; secondly, by providing a fee in-lieu of affordable units to Wareham's Housing Trust Fund. This amendment to the By-Law will allow the Town to keep pace with its state-mandated goal of providing 10% of its housing stock as affordable dwelling units.

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

ARTICLE 32

To see if the Town will vote to **add** the following dimensional table to Article 6 to the Zoning By-laws of the Town of Wareham.

Dimensional Standards: Industrial District

Dimensional Standard	Use			
	Single Family	Duplex	Multifamily (3+ Units)	Other
Area (sq. ft.)	NA	NA	NA	
Sewer	NA	NA	NA	30,000 sq. ft.
Septic	NA	NA	NA	NA
Frontage (ft.)	NA	NA	NA	150 ft.
Setbacks (ft.)	NA	NA	NA	
Front	NA	NA	NA	50 ft. on Route 28; 20 ft. on internal streets
Side/Rear	NA	NA	NA	20 ft.
Maximum Building Height (ft.)	NA	NA	NA	
Principal	NA	NA	NA	50 ft.
Maximum % Coverage	NA	NA	NA	
Building	NA	NA	NA	50%
Lot	NA	NA	NA	70%
Minimum Distance of Structure from Residential Zone (ft.)	NA	NA	NA	50 ft.

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

ARTICLE 33

To see if the Town will vote to **add** the following dimensional table to Article 6 to the Zoning By-laws of the Town of Wareham.

Dimensional Standards: General Commercial (CG) District

Dimensional Standard	Use			
	Single Family	Duplex	Multifamily (3+ Units)	Other
Area (sq. ft.)				
Sewer	NA	NA	NA	20,000 sq. ft.
Septic	NA	NA	NA	40,000 sq. ft.
Frontage (ft.)	NA	NA	NA	150 ft.
Setbacks (ft.)				
Front	NA	NA	NA	20 ft. minimum /80 ft. maximum
Side/Rear	NA	NA	NA	15 ft.
Maximum Building Height (ft.)				
Principal	NA	NA	NA	42 ft. / 3 floors
Maximum % Coverage				
Building	NA	NA	NA	40%
Lot	NA	NA	NA	60%
Minimum Distance of Structure from Residential Zone (ft.)	NA	NA	NA	30 ft.
Minimum Lot Area / DU (Sq. ft. / DU) [Apartments in Mixed Use buildings]	NA	NA	5,000 sq. ft. / 1 st DU + 1,000 sq. ft. / add. DU	5,000 sq. ft. / 1 st DU+ 1,000 sq. ft. / add. DU.
Maximum Size Building Footprint (sq. ft.)	NA	NA	NA	30,000 sq. ft.

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

ARTICLE 34

To see if the Town will vote to amend the Zoning By-law by adding the following language to Article 7, Design Standards and Guidelines, a new section entitled “760 Design Standards & Guidelines for Commercial Districts”

760 Design Standards & Guidelines for Commercial Districts

761 Applicability

The design standards and guidelines in this section shall apply to all commercial development including multi-family housing in the Strip Commercial CS, General Commercial CG, and Planned Commercial CP districts

The illustrations address general principles and design criteria including but not limited to the following: lot and building dimensional controls, site access, parking, landscaping, building setbacks, facade design, and architectural building form and design; and are meant to facilitate the review by providing design/site planning criteria to evaluate proposed developments.

762 Access, Parking and Loading Design Standards

762.1 Shared curb cuts with abutters are encouraged.

762.2 On-site internal auto circulation aisles and pedestrian pathways between the parking lots of property abutters are encouraged so that vehicles and pedestrians are not required to egress onto the frontage road to travel to adjacent properties or businesses. The design intention is to minimize the amount of curb cuts on Rte 28 and other major thoroughfares.

762.3 Where possible, curb cuts shall be aligned with curb cuts on the opposite side of the adjacent primary frontage road or new internal street to allow the creation of 4-way intersections. The design intention is to create 90-degree intersections, wherever possible.

762.4 Large parking areas are discouraged at the front of buildings. No more than one double-loaded bay of parking (64 ft. wide) may be located in the required front yard setback, but it must be visually screened from view by passing motorists on the adjacent primary road(s). Most parking is encouraged to be located at the side or rear of buildings.

762.5 Loading, service areas and dumpsters shall either be located so as to not be visible from

adjacent primary road(s), or, at a minimum, if such loading areas are within sight of the primary road, they shall be screened from view by fences and / or landscaping.

762.6 New internal streets shall link to primary frontage public road and/or where feasible to existing adjoining neighborhood collector streets to the sides or the rear of the development site as long as such links do not cause adverse traffic or pedestrian safety impact to surrounding residential streets or neighborhoods based upon a traffic impact analysis.

762.7 New internal streets shall have a minimum of 64-foot right of way width to include sidewalks, curbs, street trees (planted in sidewalk or in landscape strip between curb and sidewalk,) and curbside parking along both sides of the new internal streets.

763 Landscaping Design Standards

763.1 A min. of 30% of the site must be landscaped and pervious; front yards shall be landscaped or surfaced with pervious materials. Paved seating areas, building appendages such as porticos, bay windows and porches are encouraged.

763.2 A portion of the minimum required landscaped area should be configured to provide a “useful” outdoor publicly-accessible landscaped open space – such as a park, town common, town green, green mall, or seating area - no less than 100 feet on a side in one direction and 50 feet in the other.

763.3 One tree for every 10 cars must be planted within parking lot aisles and islands. Aisles and islands with material shall be appropriately sized to allow for proper watering and growth. Where feasible, match the island or aisle width to the mature canopy size of the proposed tree.

763.4 A landscaped buffer zone of 15 ft. must be provided along the front street line. No cars may be parked within the 15-ft. wide landscaped buffer zone. The landscaped buffer shall include a soil berm of min. 24-inch height and be sufficiently planted so as to visually screen parked cars.

763.5 Planting a row of native street trees (shade-providing canopy) is encouraged within the 15-ft. wide landscaped buffer zone along the primary street frontage. Base of tree shall be no closer than 10 feet to edge of road pavement.

763.6 Commercial uses must be buffered from adjacent residential lots by landscaping and fences.

763.7 Within large lots, existing stands or clusters of mature trees and/or natural rock outcroppings should be preserved, if preservation of such features does not onerously prohibit the reasonable development of the site.

764 Architectural Design Guidelines

764.1 *Roof Forms:* A variety of roof lines is encouraged, including front gable, side gable, hip, and flat (with or without a parapet), particularly where buildings are to be sited close together within the same development. All buildings should have a defined cornice.

764.1.a) Dormers are encouraged on residential and mixed-use buildings, provided that the ridge of any dormer is below the ridge of the main roof.

764.1.b) Buildings sited at the intersection of two or more streets should consider the creation of a focal point on the streetscape, such as a tower or cupola; provided that the height of any such focal point does not exceed 1.25 times the building height.

764.1.c) Locate Accessory Rooftop Elements such as roof decks and railings, roof access hatches, mechanical equipment and elevator head houses out of view from the street wherever possible; screening may be required, by means of parapets, walls, fences, dense evergreen foliate or other suitable means, to reduce visual impact, provided that the screening itself does not exacerbate the problem of visibility.

764.1.c.1) Utilize skylights with a traditional flat or hipped profile; avoid bubble skylights.

764.1.c.2) provide roof decks with a low profile relative to the slope of the

roof.

764.1.c.3) here railings are required, provide style that is visually permeable and no more than 4.5 feet tall, to reduce their visual impact

764.1.c.4) Screen all mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, with the intent of causing minimal acoustic intrusion on building occupants and adjacent uses.

764.2 Windows: Fenestration patterns may vary from building to building within the same development but should exhibit general consistency along a streetscape. Ground-floor windows should be provided for all buildings; upper floors windows may be enhanced with bays or balconies. Vertical proportions for windows are preferred; continuous horizontal bands of window glass are discouraged. Windows should be of clear glass to allow two-way visibility, which enhances safety on the street and creates a visually interesting pedestrian environment; dark tinted or mirrored glass is not permitted, but interior window treatments may be provided for privacy. Exterior shutters or blinds are encouraged, and should be designed to fit the size and shape of window openings.

764.3 Exterior Materials: Exterior building materials and finishes should convey an appearance of permanence and durability, and should reflect historical southern New England architecture. Natural materials are preferred, such as wood, masonry, stone, stucco, glass, terra cotta, tile, and metal; however, high quality synthetic materials may also be considered. Glass curtain walls, reflective glass, and dark tinted glass are not permitted. Variety in materials is encouraged, especially where a development includes multiple buildings.

764.4 Building Façade Articulation: All buildings should be designed with varied and articulated facades to provide visual interest and decorative patterning in exterior wall materials should be considered. Long expanses of blank walls facing the street or public open space are not encouraged, either on the ground floor or on upper floors. Where building frontage along a street is greater than 100 feet, architectural elements such as vertical piers, bay windows, and recessed entrances should be used to maintain variety along the streetscape.

764.5 Transition Lines: Non-residential and mixed use buildings of more than one story should provide a transition line above the first floor level, expressed architecturally by a storefront cornice, a belt course, a change in materials, a sign band, a canopy or awning, or similar element. Changes in the plane of the façade resulting in an overhanging second story are not encouraged; however a continuous roof, arcade, awning or canopy that shelters the public sidewalk may be considered. The transition line should be relatively consistent, but does not need to be at the exact same height, across buildings within the same block.

764.6 Building Entries: At least one building entry/entries should be located on the front of the building facing the adjacent highway or internal street. Such entry/entries shall be accessible by sidewalk and shall be open during all business hours. Building entries should be articulated in their exterior materials to express their purpose.

764.7 Typically, a minimum of 30% of a commercial building façade's surface area facing adjacent primary public roads should be glazed storefronts or windows.

764.8 Storefront windows may either provide views into the interior space used by a business, or be used for display only, enclosed on the interior by opaque walls. All storefront windows should be lit at night. Storefront entrances may be recessed.

765 Sustainable Design Guidelines

765.1 Rainwater collection. As part of the stormwater management plan, consideration should be given to rainwater collection systems to be utilized on site for irrigation and/or other landscape design features to minimize use of potable water.

765.2 Parking shall not exceed minimum zoning. The development plan should not exceed minimum zoning requirements in respect to number of parking spaces without documentation that the proposed use requires additional parking and the excess parking does not deem itself a hazard to the character and design of the overall development plan.

765.3 Alternative transportation. Access to public transportation shall be considered by the Applicant and incorporated into the design where feasible. Where public transportation is not accessible, consideration shall be given to providing preferred parking designated for car/van pool participants, covered bicycle storage, and fueling stations for electric powered vehicles.

765.4 Renewable Energy. Sources of renewable energy such as geo-thermal, solar panel, wind, and biomass shall be considered in conjunction with conventional sources of energy.

765.5 Recycled Materials. Re-use of recycled building materials, recycled content materials, and materials manufactured regionally are encouraged.

765.6 Stormwater Management. On-site stormwater retention basins are discouraged; where they are utilized they should be designed as landscaped site amenities.

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

ARTICLE 35

To see if the Town will vote to amend the Wareham Zoning Map, dated June 12, 2006 by changing the Commercial Strip CS (from east of I-195 to the present boundary of Wareham Village II) to Commercial General CG and changing the Appendix 1 Boundaries of Districts of the Zoning By-laws by removing portions of the old Strip Commercial District and replacing with the following description:

General Commercial District:

a) Beginning at the South westerly corner of Lot 1001A and Route 195 as shown on the assessors Map 84 (as of 2005);

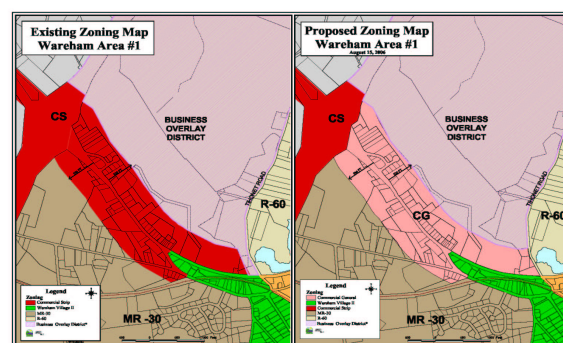
Thence Northerly along Route 195 across Route 28 along the western property lines of Lots 1018-A, 1018-B, 1017-A and 1002 to a depth of 500 feet north of the Northern Right of Way line of Route 28 as shown on the Assessors Map 109 and 109A (as of 2005);

Thence Southeasterly parallel to Route 28 at a depth of 500 feet from the Northern Right of Way line to the Western Right of Way line of Tihonet Road as shown on Assessors Maps 109 and 109 A (as of 2005);

Thence along the Northern Right of Way line of Route 28 Westerly to the intersection of Tremont Road as shown on Assessors Maps 109 (as of 2005);

Thence along the existing Wareham Village II and MR-30 districts westward along the Northern Boundary Line of the Railroad Right of Way (Former New Haven RR) to a depth of 560 feet north of the Northern Right of Way line of Route 28 as shown on the Assessors Maps 83 and 84 (as of 2005);

Thence Northwesterly parallel to Route 28 at a depth of 560 feet from the Northern Right of Way line to a point more or less of the beginning as shown on Wareham Assessors Maps 83 and 84 (as of 2005).



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

ARTICLE 36

To see if the Town will vote to amend the Wareham Zoning Map, dated June 12, 2006 by changing the Commercial Strip CS (from east of Parker Mill Pond to the Center line of Division Avenue) to Commercial General CG and changing the Appendix 1 Boundaries of Districts of the Zoning By-laws by removing portions of the old Strip Commercial District and replacing with the following description:

General Commercial District

b) Beginning at the southwesterly corner of Lot 1044 and Wankinco River and running northerly across Route 28 to the Northwestern corner of Lot 17 and Parker Mill Pond as shown on Wareham Assessors Map 132(as of 2005);

Thence Easterly by a line Parallel to and 500 feet from the Northern Right of Way line of Route 28 to the Center line of Charge Pond Road;

Thence Northeasterly along the Centerline of Charge Pond Road to the Southern Right of Way of Route 25;

Thence Easterly along the Southern Right of Way of Route 25 to Besse's Brook as shown on Wareham Assessors Maps 110 and 115 (as of 2005);

Thence Southerly along Besse's Brook to the South west corner of Lot 1020B as shown on Wareham Assessors Map 115 (as of 2005);

Thence Easterly along Southern property lines of Lot 1020B and 1020A across Willard Street to the rear Lot corner of Lot 9 as shown on Wareham Assessors Map 115 (as of 2005);

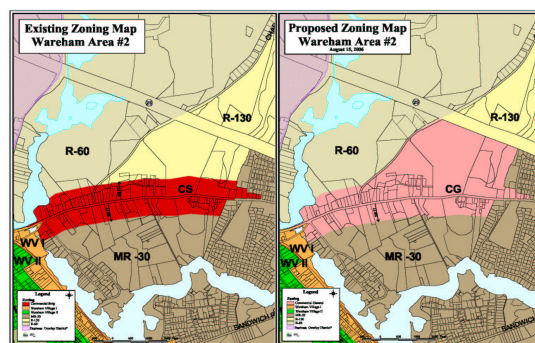
Thence Easterly along the rear lots lines of Lots 9, 8, 7A and 6 to Division Avenue as shown on Wareham Assessors Map 115 (as of 2005);

Thence South along the Property line of Lot 6 and Division Avenue to the Northern Right of Way of Route 28 as shown on Wareham Assessors Map 115 (as of 2005);

Thence West along the Northern Right of Way of Route 28 to a point directly across from the Northeast corner of Lot 1043A as shown on Wareham Assessors Map 132 (as of 2005);

Thence south across Route 28 and along the Eastern property line of Lot 1043A to a depth of 500 feet south of Route 28 as shown on Wareham Assessors Map 132 (as of 2005);

Thence Westerly by a line Parallel to and 500 feet from the Southern Right of Way line of Route 28 to the Point of beginning.



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

ARTICLE 37

We the undersigned registered voters of Wareham, hereby petition the Board of Selectmen to insert the following motion in the Warrant for the 2006 Fall Town Meeting: The town of Wareham authorized the Board of Selectmen to petition the legislature to enact special legislation for the purpose, among others, allowing the sewer assessment of Briarwood beach, Beaver Dam Estates, and Rose Point to bear interest at a rate equal to the rate of interest chargeable to the town or the lowest allowable by law.

NOTE: This article was reproduced exactly as presented, in accordance with the law.

Inserted by Joseph E. Verderber, et al

ARTICLE 38

We, the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectman to insert the following in the Warrant for the Annual Town Meeting: To see if the Town will vote to accept all roads in the ROSE POINT area sewerred by the town:

NOTE: This article was reproduced exactly as presented, in accordance with the law.

Inserted by Lenora D. Levine, et al

ARTICLE 39

We the undersigned registered voters of the Town of Wareham, do hereby petition the Board of Selectman to insert the following in the Warrant for the Annual Town Meeting: To see if the Town will authorize the Municipal Maintenance Department to apply for Coastal Zone Management Grant money for drainage and to apply for Chapter 90 Funding for the purpose of Paving and Reconstructing the accepted roads in the Rose Point area:

NOTE: This article was reproduced exactly as presented, in accordance with the law.

Inserted by Lenora D. Levine, et al