

**WARRANT
TOWN OF WAREHAM
SPECIAL TOWN MEETING
APRIL 24, 2006**

WAREHAM HIGH SCHOOL AUDITORIUM
Viking Drive
Wareham, MA 02571

7:30 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 24, 2006 at 7:30 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 2006 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 appropriate and transfer \$25,000 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 3

To see if the Town will vote to appropriate from available funds a sum (to be determined) in accordance with Chapter 291B of the Acts of 2004, under Chapter 90 of MGL 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 Municipal Maintenance Director

ARTICLE 4

To see if the Town will vote to transfer the care, custody, control and management of a parcel of land acquired by the Town in a tax foreclosure, said land to be transferred from the Town Treasurer/Collector to the Board of Selectmen to be held for general municipal purposes, consisting of 5,000 square feet more or less located at 6 Baptiste Avenue, and identified as Assessor's Map 16 Lot B109; or take any other action 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 appropriate and transfer or appropriate and authorize the borrowing of not more than \$200,000 to provide for the renovation of the Oak Grove School, 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 delete under Article 3. TABLE OF PRINCIPAL USE REGULATIONS, at Table 321, under “TRANSPORTATION USES”, at “Public service or other passenger stations” at **“WV1”**, the **“N”**, signifying that the use is prohibited in this District and **add “Y”**, signifying that it is an allowed use in this District.

EXPLANATION:

This action will allow a passenger station/bus stop for public transport to be located in our downtown Village District which encompasses the Tremont Nail site on Elm Street, extending to Main Street and then to Zecco Marine at the southeasterly end of Main Street. This area is in need of a bus station to bring people in and out of this area, which is the Town's historic retail and service center.

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

ARTICLE 7

To see if the town will vote to **delete** Under Article 15 **“Site Plan Review”**, Subsection 1561, **the period** at the end of the first sentence and **add** the words **“...and Orders of Conditions on Comprehensive Permits approved under M.G.L. Chapter 40B.”**

EXPLANATION:

This article confirms the enforcement power of the Zoning Enforcement Officer to include Comprehensive Permits, so-called affordable housing projects, issued by the Zoning Board of Appeals.

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

ARTICLE 8

To see if the town will vote to **delete** At Article 3, Section 350 **“USE DEFINITIONS” at Subsection 356 “Service Establishments”**.

To see if the Town will vote to **add at Article 3, at Section 350, Subsection 356**, the definition for **“Service Establishments and/or Service-Related Shopping”**, “Those shops that primarily sell services on site, like hairdressing, manicure/pedicure services, dog grooming, etc.”

To see if the Town will vote to **add at Article 3, at Section 350, Subsection 356, Commercial Use”** to the definition of **“Office”**, by adding to the first sentence, **“, such as law firm, medical services, financial, real estate, etc.”** and this sentence, **“Not to be confused with Service Establishments and/or Service-Related Shopping”**

EXPLANATION:

There is always some confusion concerning what constitutes an “office” and/or “services”. This amendment acts to clear up this confusion. Services are just that, an immediate service rendered to a walk-in consumer. Office uses are those, which provide services outside of walk-in needs, that is they are related to more professional, administrative or executive functions.

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

ARTICLE 9

To see if the Town will vote to **add at Article 5 a new subsection, “514 Permitted Signage” “Signage for Home Occupations shall not exceed four (4) square feet in total”.**

EXPLANATION:

Language that limits the size of signage for Home Occupations needs to be addressed. Four (4) square feet is an adequate sign for this purpose.

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

ARTICLE 10

To see if the Town will vote to **delete** under Article 15, at Section 1556, Administration, subsection 1556.1 a) 2. “Fee Submittal” the words “...upon the receipt of notice and invoice from...” and **replace with the words “...upon the receipt of notice and estimate of fee...”.**

EXPLANATION

This language eliminates any ambiguity in this section referring to the manner by which fees are collected from an applicant for any consultancy duties required or requested by the Permitting Authority through the Site Plan Review process.

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

ARTICLE 11

To see if the Town will vote to add, under Article 3. TABLE OF PRINCIPAL USE REGULATIONS, at Section 380 USES PROHIBITED IN ALL DISTRICTS, “Storage containers, specifically those metal and/or wooden boxes used as freight containers on ships, railroad cars and trucks, are prohibited in all zoning districts. This also includes truck bodies”.

EXPLANATION: Many areas are witnessing this type of storage facility being placed in residential districts, as well as commercial areas. This is an unsightly use and this amendment acts to prohibit this practice.

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

ARTICLE 12

To see if the Town will vote to delete Under Article 3. TABLE OF PRINCIPAL USE REGULATIONS, at Table 321, under COMMERCIAL USES IN THE INDUSTRIAL ZONE heading (IND), the SPZ at Retail Businesses” and add “N”.

EXPLANATION:

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

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

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

ARTICLE 13

To see if the Town will vote to **delete** under Article 3, Section 320, "Table of Principal Use Regulations" at **"RESIDENTIAL USES"**, the heading **"Manufactured Home" and the accompanying use abbreviations**. In addition, at Article 3, subsection 354, **delete** definition of **Manufactured Home**.

EXPLANATION:

This language within our Use Table speaks to a building type, not a use. This housekeeping measure acts to clear up this confusion.

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

ARTICLE 14

To see if the Town will vote to **add** the following language to Article 12 Performance Standards of the zoning bylaws.

ARTICLE 12: PERFORMANCE STANDARDS

1201 LAND CLEARING AND GRADING

1202 The purposes of this Bylaw are to:

1. Protect the health, safety and property of the residents of the Town by regulating clearing and grading activities associated with land development, preserving existing trees and vegetation, preventing erosion and sedimentation of inland and coastal wetlands, ponds and other waterbodies, controlling stormwater runoff, minimizing fragmentation of wildlife habitat and loss of vegetation;
2. Limit land clearing and alteration of natural topography prior to development review;
3. Protect specimen trees and significant forest communities from damage or removal during site development;
4. Protect water quality of adjacent wetlands and surface water bodies;
5. Encourage the use of Best Management Practices that prevent and reduce nonpoint source of pollutants;
6. Promote land development and site planning practices that are responsive to the Town's scenic character without preventing the reasonable development of land;
7. 7. Protect archaeological and/or historic resources.

1203 Definitions

In this Bylaw, the following words have the meanings indicated: Applicant Any person proposing to engage in or engaged in any non-exempt clearing of trees or under-story vegetation or grading within the Town.

Best Management Practices (BMPs) A structural, nonstructural, or managerial technique recognized to be the most effective and practical means to prevent and reduce nonpoint source pollutants. BMPs should be compatible with the productive use of the resource to which they are applied, and should be cost-effective. Caliper American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground up to and including 4-inch caliper tree, and 12 inches above the ground for larger sizes.

Certified Arborist

A professional who possesses the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial, and public landscape.

Clearing

Removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the

structural integrity of vegetation; and/or any filling, excavating, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

Dripline

An area encircling the base of a tree which is delineated by a vertical line extending from the outerlimit of a tree's branch tips down to the ground.

Essential Root Zone

An area located on the ground between the tree trunk and 10 feet beyond the dripline of a tree which is required for protection of a tree's root system.

Diameter/Diameter-Breast-Height(dbh)

The diameter of any tree trunk, measured at 4.5 feet above existing grade.

Filling

The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

Grading

Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.

Hazardous Tree

A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.

Landscape Architect

A person licensed by the Commonwealth of Massachusetts to engage in the practice of landscape architecture.

Protected Tree/Vegetation

A tree or area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.

Specimen Tree

A native, introduced or naturalized tree that is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6 inches or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4 inches or larger are eligible to be considered specimen trees.

Significant Forest Community

Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat patches.

Site Alteration Special Permit

A special permit issued by the Planning Board authorizing land clearing and grading activities in the Town.

Understory Vegetation

Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

1204 Applicability

The Special Permit Granting Authority under Section 1201 shall be the Planning Board. No person shall undertake clearing or grading activities of an area greater than 50,000 square feet at any one time or in increments such that the total land area of abutting property within the control of any person graded in a thirty-six (36) month period will exceed 30,000 square feet, without first obtaining a Site Alteration Special Permit from the Planning Board unless specifically exempted under Section 1206 of this Bylaw.

1205 Review and Decision

Upon receipt of a completed application and required plans as described in Section 1207 below, the Planning Board shall transmit one copy each to the Conservation Commission, Zoning Enforcement Officer and Department of Public Works. Within 45 days of receipt of completed application/plans, these agencies shall submit recommendations to the Planning Board. The Planning

Board shall act on applications according to the procedure specified in G. L. c. 40A, sec.9 and Section 1450 of the Zoning Bylaw.

1206 Exemptions

The provisions of this Bylaw shall not apply to the following activities:

1. Clearing and grading in conjunction with construction of structures intended for residential habitation if the land area to be cleared or graded is less than 50,000 square feet;
2. Removal of hazardous trees, as defined herein;
3. Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM)– approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
4. Construction and maintenance of public and private streets and utilities within Town approved roadway layouts and recorded easements;
5. Work conducted in accordance with a valid earth removal permit issued pursuant to Section 7 of Article I of Division IV of the Town Bylaws;
6. Agricultural activities work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan;
7. Construction of roadways, associated infrastructure and related slope and view easements for subdivisions shown on a definitive plan approved and endorsed by the Planning Board in accordance with Wareham Subdivision Rules and Regulations;
8. Construction or installation of public utilities; and
9. Construction of structures, roadways, parking lots, and associated activities for residential or nonresidential structures or uses in receipt of a special permit from the Board of Appeals or Planning Board.

1207 Application Requirements

The Planning Board may require the submission of some or all of the information listed as 1 through 9 below.

Said determination to be made in relation to the extent of clearing proposed by the applicant. For example, the clearing of 55,000 square feet to create a residential dwelling would not typically require the same degree of information necessitated by a proposal to clear 100,000 square feet of land for a commercial structure.

1. Survey of existing vegetation conducted by an individual qualified through appropriate academic credentials and field experience. A statement of credentials should be submitted with the survey.
 - (a) Major upland vegetational communities located on the site, including trees, shrub layer, ground cover and herbaceous vegetation;
 - (b) Size and height of trees, noting specimen trees and/or forest communities; and
 - (c) Location of any rare and endangered species as mapped by the Massachusetts Natural Heritage and Endangered Species Program.
2. Submission of a locus map at a scale of 1" = 500' showing the proposed site in relation to the surrounding area.
3. Submission of a plan at a scale of 1" = 40' of the project site showing existing and proposed contour lines at intervals of not more than 2 feet prepared by a registered land surveyor or a professional engineer.
4. Soil survey or soil logs indicating predominant soil types on the project site, including information on erosion potential from the Natural Resources Conservation Service.

5. Delineation of all bodies of water, including wetlands, vernal pools, streams, ponds, and coastal waters within 100 feet of the project site/limit of work and delineation of the 100-year floodplain.
6. Submission of a plan at a scale of 1" = 40' indicating the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. The plan or accompanying narrative shall document the species and quantities of specimen trees and/or other vegetation to be removed or relocated within the project area.
7. Construction schedule that describes the timing of vegetation removal, transplanting or replacement in relation to other construction activities.
8. Plans and/or description of Best Management Practices to be employed in development of the project site.
9. Submission of an erosion and sedimentation control plan at a scale of 1" = 40' This plan shall include BMPs for erosion and sediment control (vegetative and/or structural) to prevent surface water from eroding cut and fill side slopes, road shoulders and other areas and measures to avoid sedimentation of nearby wetlands and ponds. The following information shall be submitted on erosion control and sedimentation plans submitted with the project application:
 - a) Plans and details of any sediment and erosion control structure drawn at a scale of 1" = 40';
 - b) Spillway designs showing calculations and profiles;
 - c) Notes and construction specifications;
 - d) Type of sediment trap;
 - e) Drainage area to any sediment trap;
 - f) Volume of storage required;
 - g) Outlet length or pipe sizes; and
 - h) A description of the sequence of construction activities that specifies the time frame for soil stabilization and completion and any necessary winter stabilization measures.

1208 Review Standards

The applicant shall demonstrate that the following measures are employed in the clearing or grading of the site:

1. Minimize site alteration/land clearing:
 - a) Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.
2. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utility installation should be utilized wherever feasible to protect root systems of trees.
3. Protect scenic views within Wareham:
 - a) Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.
4. Protect wildlife habitat:
 - a) Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

5. Avoid impacts to archaeological resources:
 - a) Applicants shall submit a response from the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site.
6. Preserve open space and specimen trees on the site:
 - a) In the design of a development, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.
7. Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.
8. Forested areas shall be preserved if they are associated with:
 - a) Significant forest communities as defined herein;
 - b) Wetlands, waterbodies and their buffers;
 - c) Critical wildlife habitat areas; and
 - d) Slopes over 25%.
9. Minimize cut and fill in site development:
 - a) Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading;
 - b) Other efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers;
 - c) Finished grades should be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible;
 - d) Employ proper site management techniques during construction:
 1. BMPs shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems, and
 2. The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas;
 - e) Protect the site during construction through adequate erosion and sedimentation controls:
 1. Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Planning Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed to BMPs such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of
 2. Erosion and sedimentation controls shall be constructed in accordance with the Department of Environmental Protection's Stormwater Management Policy.
 3. Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.
 4. Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 2:1 or exceed 10 feet in height.

During the months of October through March, when seeding and sodding may be impractical, anchored mulch may be applied at the Planning Board's discretion.

5. Runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps. The inlets of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.
6. The applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events.

f) Revegetate the site immediately after grading:

1. Proper revegetation techniques shall be employed using native plant species, proper seedbed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within 7 (seven) calendar days of final grading.
2. A minimum of four inches of topsoil shall be placed on all disturbed surfaces that are proposed to be planted.
3. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of six inches or more at the base of the tree is proposed, a retaining wall or tree well may be required.

1209 Required Security

The Planning Board may require a performance guarantee in a form acceptable to the Town to cover the costs associated with compliance with this Bylaw under a Site Alteration Special Permit.

1. The required performance guarantee in the amount of 150% of the cost of site restoration shall be posted prior to the issuance of a Site Alteration Special Permit for the proposed project.
2. The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Planning Board, and may be reduced from time to time to reflect completed work. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the Town.

1210 Monitoring and Inspections

1. Prior to commencement of construction, the applicant, land owner, contractor and construction crew, Director of the Department of Public Works, Zoning Enforcement Officer or their designee and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.
2. Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun.
3. Routine inspections of preserved areas and erosion and sedimentation controls shall be made at varying intervals depending on the extent of site alteration and frequency and intensity of rainfall.
4. Effective stabilization of revegetated areas must be approved by the Town before erosion and sedimentation controls are removed. The Town shall complete an inspection prior to removal of temporary erosion and sedimentation controls.

1211 Enforcement

The Town may take any or all of the enforcement actions prescribed in this Bylaw to ensure compliance with, and/or remedy a violation of this Bylaw; and/or when immediate danger exists to the public or adjacent property, as determined by the Zoning Enforcement Officer. The Town in carrying out any necessary enforcement actions may use securities described in Section 1209 above.

1. The Zoning Enforcement Officer may post the site with a Stop Work order directing that all vegetation clearing not authorized under a Site Alteration Permit cease immediately. The issuance of a Stop Work order may include remediation or other requirements that must be met before clearing activities may resume.
2. The Town may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke any Site Alteration Special Permit issued by the Town.
3. No person shall continue clearing in an area covered by a Stop Work order, or during the suspension or revocation of a Site Alteration Special Permit, except work required to correct an imminent safety hazard as prescribed by the Town.

1220 ANALYSIS OF DEVELOPMENT IMPACT: WATER QUALITY

1221 Purpose:

The division and development of land for residential and non-residential development leads to numerous quantifiable impacts to drinking, fresh and coastal water quality. To analyze these impacts and adjudicate as to how to minimize these impacts while respecting the statutory purpose and intent of the Zoning Act, unless otherwise exempted as noted below, all residential and non residential applications shall contain answers to the following questions and/or related analysis. The Planning Board or Board of Appeals shall incorporate the following analysis in its deliberations of definitive plans, special permits and/or variance applications submitted to the Board(s) and shall approve an application only, if in the opinion of the Board(s), the resulting application will not threaten public health, safety or welfare of the residents of the Town of Wareham, or, violate any of the provisions of the Wareham Zoning Bylaw.

1222 Applicability:

The division and/or subdivision of land held in single ownership as of the effective date of this Bylaw into five (5) or more lots, the construction of five (5) or more dwellings on land that does not require land division and/or subdivision whether on one or more contiguous parcels held in single ownership as of the effective date of this Bylaw or anytime thereafter or the development of a non residential project that will result in the need for ten (10) or more parking spaces pursuant to Section 920 of the Zoning Bylaw, regardless of the number of parking spaces existing on the premises, shall require an analysis of the following development impacts:

1. Impacts to water resources. All applications shall contain a narrative and analytical presentation as to the proposed development's impact, when fully constructed and developed, upon water resources from the generation and disposal of, nitrogen and phosphorus. The Planning Board or Board of Appeals shall deny any application that will result in the exceedance of the assimilative capacity limitations noted below. The applicant shall provide the Planning Board or Board of Appeals with a nutrient loading analysis quantifying: (i) the amount of nitrogen and phosphorus to be generated by the development at build out plus (ii) the existing nutrient generation within the watershed or zone of contribution, plus (iii) the potential nutrient generation within the watershed or zone of contribution all as measured against the assimilative capacity of the receiving waters. Unless clear and convincing evidence is provided to the contrary, the assimilative capacity of the receiving waters shall be defined as follows:
 - a.) Drinking water supplies as defined by 310 CMR 22.00: Assimilative capacity for nitrogen: Not to exceed 5 mg/l.
 - b.) Inland surface water bodies: Assimilative capacity for phosphorus: Not to exceed 0.026 mg/l. Coastal water bodies: Assimilative capacity for nitrogen: Not to exceed 0.52 mg/l total nitrogen.

1230 ANALYSIS OF DEVELOPMENT IMPACT: IMPACTS ON TRAFFIC AND CIRCULATION

1231 Purpose:

The division and development of land for residential and non-residential development leads to quantifiable impacts regarding traffic and circulation upon the Town of Wareham, private property abutting or nearby the development and the region in general. To analyze these impacts and adjudicate as to how to minimize these impacts while respecting the statutory purpose and intent of the Zoning Act, unless otherwise exempted as noted below, all residential and non residential applications shall contain answers to the following questions and/or related analysis. The Planning Board or Board of Appeals shall incorporate the following analysis in its deliberations of definitive plans, special permits and/or variance applications submitted to the Board(s) and shall approve an application only, if in the opinion of the Board(s), the resulting application will not threaten public health, safety or welfare of the residents of the Town of Wareham, or, violate any of the provisions of the Wareham Zoning Bylaw.

1232 Applicability:

The division and/or subdivision of land held in single ownership as of the effective date of this Bylaw into five (5) or more lots, the construction of five (5) or more dwellings on land that does not require land division and/or subdivision whether on one or more contiguous parcels held in single ownership as of the effective date of this Bylaw or anytime thereafter or the development of a non residential project that will result in the need for ten (10) or more parking spaces pursuant to Section 920 of the Zoning Bylaw, regardless of the number of parking spaces existing on the premises, shall be required to conform to the Levels of Service and Mitigation standards contained in Sections 1233 and 1234, below.

1233 Levels of Service:

Any development or redevelopment of land subject to this Bylaw shall not degrade existing levels of service (LOS) of surrounding roads and intersections based on summer peak hour traffic volumes. Levels of service shall be measured using performance indicators such as reserve capacity, delay at intersections and volume to capacity ratio as defined in the Highway Capacity Manual, latest edition.

1234 Mitigation

Developments and redevelopment of land subject to this Bylaw shall mitigate traffic impacts that would be created or exacerbated by such developments. The mitigation strategies shall include both structural and non-structural improvements with special emphasis on alternatives to automobile transportation. Necessary improvements shall occur concurrently with any development and/or a contribution of funds toward the necessary improvements deemed required by the Planning Board or Board of Appeals.

1240 ANALYSIS OF DEVELOPMENT IMPACT: LIGHTING

1241 Purpose:

The Lighting Regulations contained in this Section are intended to provide for the erection, design, or placement of outdoor light fixtures which provide for illumination levels on individual lots which are adequate for the safe and efficient movement of individuals or vehicles to and from a lot and within a lot (i.e., areas that are dangerous if unlit, such as stairs, intersections or changes in grade); are designed to protect against the spillover of light onto abutting properties which may negatively impact occupants of abutting properties; and, are designed to protect against objectionable glare onto public rights-of-way which may impair the vision of motorists.

1242 General Requirements:

All outdoor light fixtures on a lot shall comply with the following regulations:

1. Applicability. The Lighting Regulations contained in this Section, unless specifically stated otherwise, are applicable in all non residential zoning districts and to any pre existing, non conforming non residential use or structure.
2. Minimum Setback. A freestanding outdoor light fixture may be located within a required front yard, side yard or rear yard, provided that the freestanding outdoor light fixture is located adjacent to the interior edge of such yard and adjacent to a permitted driveway, parking area, interior access drive, interior access driveway, or other outdoor use area requiring illumination.

1243 Lighting Standards:

1. Any luminaire with a lamp or lamps rated at a total of more than 2,000 lumens shall be of fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.
2. All luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
3. Lamp types shall be selected for optimum color rendering as measured by their color-rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color-rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting that may include colored lamps, such as holiday lighting.
4. Outdoor lighting shall not be illuminated between 11:00 p.m. and 6:00 a.m. with the exception that a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half hour after the activity ceases.
5. Low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 a.m., provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.

1244. Mounting of Fixtures: Full cutoff, cutoff and semi-cutoff outdoor light fixtures shall be mounted parallel to the ground and shall utilize a rigid mounting arm with no built-in uptilt and no adjustment feature.

1245. Height of Fixtures: All outdoor light fixtures used to illuminate a particular area on a lot (i.e., a parking area; a loading area; or, an entry way, sidewalk or walkway areas) shall, within those areas, be of uniform size, design and height.

1246. Power Supply: Outdoor light fixtures located on light poles shall be provided power by underground wiring.

1247. Vehicular Canopy Light Fixtures: Outdoor light fixtures located under a vehicular canopy of drive through structures (e.g., gasoline service station canopies, bank drive through canopies, etc.) shall be full cutoff fixtures with a maximum intensity of four hundred (400) watts.

1248. Awning and Canopy Lighting: Awnings and canopies used for building accents over doors, windows, walkways, and the like, may be internally illuminated or back-lit (i.e., lit from underneath or behind) provided, however, that the primary material is opaque and that translucent material is limited to the actual text or logo of the sign, if any, incorporated into the awning or canopy.

1249. Glare on Public Right-of-Way: Flag and statue lights, architectural lights, floodlights, or sign lighting shall be so directed and shielded that the light element is not visible from any point along an adjacent public right-of-way.

1250. Floodlights: Outdoor light fixtures equipped with floodlights may only be permitted on a lot as follows:

1. Floodlights shall be focused on the primary building or the area of the lot located between the floodlight and the primary building; or,
2. Floodlights shall be shielded to the extent that the main beam from the luminaire is not visible from or causes any glare onto adjacent properties or rights-of-way.

1251. Special Regulations for Sport and Athletic Field Lights. Notwithstanding anything in this Section to the contrary, the following special regulations shall apply to Sport and Athletic Field Lights.

1. Freestanding outdoor light fixtures for sport and athletic fields shall not exceed one-hundred and ten (110) feet in height above grade and shall be of a type and manufacturer that offers a spill and glare control package and shall be fitted with the manufacturer's spill and glare control package.

1252. Exempt Lights: The following types of outdoor light fixtures are exempt for the provisions of this Section:

1. Holiday Decorations Outdoor light fixtures used for holiday decorations.
2. Public Lighting All outdoor light fixtures originating from public areas and ways, including but not limited to parks, rights-of-way, public art or other public facilities, that are installed for the benefit of the public health, safety and welfare.
3. Fossil Fuel Lights All outdoor light fixtures producing light directly from the combustion of fossil fuels (i.e., kerosene lanterns or gas lamps).
4. Construction / Emergency Lighting All outdoor light fixtures provided in connection with construction work or the abatement of an emergency situation necessitating said lighting, provided that the use of such outdoor light fixtures are discontinued during hours when construction activity or emergency abatement is not in progress and that such outdoor light fixtures are removed upon completion of the construction activity or the abatement of the emergency.
5. Internal Illumination of Signs All outdoor light fixtures which are completely enclosed within a sign cabinet and which provide illumination only for a sign face.
6. Single Family Dwelling or Two Family Dwellings All outdoor light fixtures used for the illumination of personal property, provided, however, that such outdoor light fixtures shall be subject to this Section regarding glare and the common law of nuisance.

1253. Temporary Lights. The following types of outdoor light fixtures may be approved on a temporary basis by the Zoning Enforcement Officer prior to placement or use.

1. Civic Events Temporary outdoor light fixtures used for civic events.
2. Special Events Temporary outdoor lighting fixtures for such activities as circuses, fairs, carnivals, sporting events, and the like. Such temporary lights shall not be installed more than thirty (30) days prior to the civic event or special event and shall be removed not more than fifteen (15) days after the civic event or special event.

1254. Prohibited Lights.

1. Flashing Lights Any lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.
2. Floodlights Floodlights not in compliance with the regulations set forth above, or other form of outdoor light fixtures not specifically authorized by this Section that are ground mounted or attached to light poles, and used to illuminate the site, buildings or structures.

EXPLANATION:

These proposed Performance Standards have been developed to fill in a place marker that was left vacant for just this purpose. Article 12 deals with performance standards that act to protect Town taxpayers and the environment from harmful development practices that have the potential to endanger fragile ecosystems and environmentally sensitive areas. The language holds developers to a higher standard than has been the past practice. The language encompasses Clearing and Grading and the analysis of water, traffic and lighting impacts.

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

ARTICLE 15

To see if the Town will vote to **delete Subsections 1330 thru 1333 in Article 13, “NONCONFORMING USES, STRUCTURES AND LOTS, GENERALLY”** and **add a new Subsection 1330 thru 1340:**

ARTICLE 13: NONCONFORMING USES, STRUCTURES AND LOTS, GENERALLY

1330 Extension, Change or Alteration

1331 Changes of Use and Limitation on Intensity and Size of Use - Other Than Single or Two-Family Residential Dwellings:

1332 Procedures: As provided in G. L. c. 40A, sec. 6, a lawfully preexisting nonconforming use and/or structure, other than a single or two-family residential dwelling, may be reconstructed, altered or extended only if: (1) said reconstruction, alteration or extension itself conforms to all the provisions of the Zoning Bylaw; (2) there is a finding by the Board of Appeals that such reconstruction, alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use; (3) that said extension, alteration or change is in accordance with the standards noted below; and (4) that the Board of Appeals grants a special permit as provided in Section 1450.

a) Guidelines for Review of Extensions, Alterations or Changes to Preexisting, Nonconforming Uses and Structures: Recognizing the need to provide guidelines for determining relative impacts upon the Town and the immediate neighborhood from an expansion, alteration or change of preexisting nonconforming uses and structures, and recognizing the basis and consistent principles of zoning with respect to minimizing nonconforming uses and structures, the following shall apply to the review of special permit applications under this Section:

- (i) the Board of Appeals shall encourage extensions, alterations or changes to nonconforming structures and uses toward greater, if not complete, conformance with the provisions of the Zoning Bylaw and to reduce the degree of nonconformity;
- (ii) the Board of Appeals shall not encourage the expansion of a nonconforming structure or use as measured by either the:
 - (aa) amount of floor space or land area used, or
 - (bb) volume of activity, including but not limited to an increase in the intensity of use and/or a change in the nature of purpose of the use;
- (iii) the Board of Appeals shall prohibit the expansion of nonconforming structures and uses unless there will be no demonstrable adverse impacts on abutting properties and those properties that generally characterize the neighborhood or locus within which the expansion is sought, and;
- (iv) the Board of Appeals shall not encourage the expansion of nonconforming structures and uses if the expansion will negatively impact the Town's ground, coastal or surface waterbodies.

1333. Table of Presumptively Not More Detrimental Extensions, Alterations, or Changes to Preexisting, Nonconforming Uses and Structures:

An extension, alteration or change to a lawfully preexisting nonconforming use or structure shall be presumed not to be substantially more detrimental to the neighborhood if the guidelines and standards of Section 1332 are met and if the extension, alteration or change also is in compliance with the following:

TABLE OF PRESUMPTIVELY NOT MORE DETRIMENTAL EXTENSIONS, ALTERATIONS, OR CHANGES TO OTHER THAN SINGLE OR TWO-FAMILY RESIDENTIAL DWELLINGS

Issue	Presumptively Allowable Changes, Alterations, or Extensions
If current site coverage requirements are exceeded.	The extension, alteration, or change decreases the percentage of site coverage.
If the structure exceeds current height requirements.	The extension, alteration, or change decreases the violation of the current height requirements.
If the structure or use exceeds current parking or loading area requirements.	The requirements of Article 9 of the Zoning Bylaw are met or if the Board of Appeals determines that the existing use and proposed expansion or site conditions do not warrant the number of parking spaces required by Section 920.
If the structure or use exceeds, or is in violation of, or violates any other provision of the Zoning Bylaw.	The extension, alteration, or change meets the guidelines specified in Section 1332 above.

1334. Alteration, Reconstruction, Extension or Structural Changes to Preexisting Nonconforming Single and Two-Family Residential Structures.

1335. Procedures: As provided for in G. L. c. 40A sec. 6, a nonconforming single or two-family dwelling or structure accessory thereto may be altered, reconstructed, extended or otherwise structurally changed provided that: (1) the proposed alteration, extension or structural change itself conforms to the requirements of the present Bylaw and does not intensify any existing non-conformities or result in any additional non-conformities in which event the Building Inspector may issue a building permit and an application to the Board of Appeals need not be made; or (2) as provided below the Board of Appeals finds that (i) there is no substantial increase in the nonconforming nature of said structure; and (ii) such reconstruction, alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

Recognizing the need to provide guidelines for determining the meaning of the phrases “increase the nonconforming nature of said structure” and “substantially more detrimental to the neighborhood,” the following shall apply to the review of applications subject to this provision to alter, reconstruct extend or structurally change a preexisting nonconforming single- and two-family residential structure:

- (i) An application must be made to the Board of Appeals to expand or change the structure;
- (ii) The Board of Appeals must make a determination as to the particular respect or respects in which the existing structure or lot does not conform to the requirements of the present Bylaw;
- (iii) Should the Board of Appeals conclude that the proposed change would substantially increase the nonconforming nature of the structure or lot, the applicant will not be entitled to the issuance of a special permit;

(iv) If the Board of Appeals determines, that the proposal will not substantially increase the nonconforming nature of the structure or the lot, the applicant will also be required to show that the change will not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood;

(v) If the Board of Appeals determines that the proposal will be more substantially detrimental to the neighborhood, the special permit sought will be denied unless the Board of Appeals determines that a special permit can be approved with conditions that would make the change substantially not more detrimental, in which case the Board of Appeals may approve a special permit with such conditions.

(vi) For the purposes of this Section, determination of “substantially more detrimental to the neighborhood” shall include consideration of and impacts to, the general and immediate neighborhood from the resulting height, building coverage, impervious coverage, and width of the altered, reconstructed, extended or structurally changed structure. Additionally, a determination whether an altered, reconstructed, extended or structurally changed structure will be “substantially more detrimental to the neighborhood” shall include the resulting impacts to views and vistas from abutting properties and public and private ways, increase in traffic, noise, surface water runoff and related site planning issues.

EXPLANATION:

There has been much confusion and room for very subjective interpretation within the current language that speaks to the enlargement, extension, change and alteration of existing structures. This proposed language exhibits specific guidelines, which the Zoning Board should follow, that will act to protect neighbors from the harmful effects of expansion and/or alteration of existing homes and structures. This section will act to protect the immediate neighborhood from expansions that would block historical views and vistas and has the capacity to preserve neighborhood integrity and everyone’s property values.

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

ARTICLE 16

To see if the Town will vote to **delete** the existing language within **“Article 8: Alternative Residential Site Development”** and replace it with language, entitled **“ARTICLE 8: REQUIREMENTS FOR CERTAIN LAND DIVISIONS, LAND DEVELOPMENTS AND INCLUSIONARY HOUSING”**.

ARTICLE 8 REQUIREMENTS FOR CERTAIN LAND DIVISIONS, LAND DEVELOPMENTS AND INCLUSIONARY HOUSING

800 DIVISION OF LAND AND DEVELOPMENT OF MULTIPLE DWELLINGS

801 Purpose

The purpose of this Bylaw is to ensure that land divisions, subdivisions, and developments of multiple dwellings on single lots are afforded the depth and breadth of review allowed by G.L. c. 40A, sec. 9 to adequately protect public health, safety and welfare of the current and future residents of the Town. This Bylaw, in concert with Section 810 and 1450 allows the Special Permit Granting Authority to grant a special permit for land divisions, subdivisions and large multi-unit developments, provided specific enumerated criteria are satisfied. The Planning Board shall be the Special Permit Granting Authority pursuant to this Bylaw.

802 Applicability

The division and/or subdivision of land held in single ownership as of the effective date of this Bylaw or anytime thereafter into:

1. Six (6) or more lots or;
2. The division of a track of land greater than ten (10) acres into six (6) or more lots or;

3. The construction of six (6) or more dwelling units on land that does not require land division and/or subdivision whether on one or more contiguous parcels held in single ownership as of the effective date of this Bylaw or anytime thereafter, shall require a special permit under the provisions of Sections 810 and 1450. In cases where the proposed division of land is for six (6) or more lots and said division is proposed as not requiring subdivision approval, the special permit granting authority's permit powers shall be limited to enforcing the provisions of Section 830 of the Zoning Bylaw. The provisions of Section 802 shall not apply to the construction of six (6) or more dwelling units on individual lots, if said six (6) or more lots were in existence as of the effective date of this Bylaw.

810 RESIDENTIAL CONSERVATION CLUSTER

811 Purpose and Intent

1. Allow for greater flexibility and creativity in the design of residential developments.
2. Encourage the permanent preservation of open space, agricultural and forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources.
3. Maintain the Town's traditional character and land use pattern in which small villages contrast with open land.
4. Protect scenic vistas from the Town's roadways and other places.
5. Encourage screening of new residential development from the Town's roads, open spaces and scenic areas.
6. Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
7. Protect existing and potential municipal water supplies.
8. Encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.
9. Minimize the total amount of disturbance on the site.
10. Preserve open space areas for active and passive recreational use, including the provision of neighborhood parks and trails.
11. Encourage the provision of diverse housing opportunities and the integration of a variety of housing types.
12. Further the goals and policies of the Wareham Comprehensive Plan, Housing Plan and Open Space Plan.

812 Definitions

In this Bylaw, the following words have the meanings indicated:

Residential Conservation Cluster (RCC) Development

A residential development in which the buildings are clustered together with reduced lot sizes and frontage. The land not included in the building lots is permanently preserved as open space. RCC Development is generally the preferred form of residential development and/or redevelopment in the Town for residential developments of ten (10) or more acres and/or six (6) or more lots.

813 Applicability

A proposed subdivision of land into six (6) or more lots shall be filed in accordance with the provisions of Section 814, below. The Planning Board shall determine whether the proposed location is suitable for an RCC Development under the terms and provisions of this section. If the Planning Board determines that the proposed location is suitable for an RCC Development, any further subdivision of the land into six or more lots shall be accomplished only through the provisions of this Bylaw. If the Planning Board determines, after discussion and analysis provoked by Section 814, that the location is best suited for subdivision under a conventional subdivision design, the Planning Board shall so inform the applicant and the applicant may then proceed to design a subdivision plan under the provisions of the Subdivision Control Law and the Wareham Rules and Regulations Governing the Subdivision of Land (Subdivision Rules and Regulations) and the provisions of this section shall not apply.

In cases where the Planning Board determines that the site is not suitable for an RCC Development, and where the proposed subdivision of land is for six (6) or more lots, the Planning Board's special permit powers shall be limited to enforcing the provisions of Section 830 of the Zoning Bylaw. In either case, however, a special permit from the Planning Board shall be required.

Notwithstanding the provisions above, the Planning Board may grant a special permit for an RCC Development for any parcel or contiguous parcels of at least five (5) acres in any district permitting single-family dwellings subject to the regulations and conditions herein. Determination of whether the proposed location is not suitable for an RCC Development shall be based upon the opinion and judgment of the Planning Board, after consultation with its advisors and staff and may include the following criteria:

1. The degree to which the topography of the locus will not be preserved by a RCC Development;
2. The degree to which stormwater runoff and erosion will not be minimized by a RCC Development;
3. The degree to which the RCC Development will result in inappropriate site planning, subdivision design and/or damage to the site's natural features;
4. The degree to which the RCC Development will not preserve or protect abutting properties and associated views and vistas;
5. The degree to which public safety will be threatened by a RCC Development;
6. The degree to which other site specific attributes or site specific concerns are not appropriately addressed by a RCC Development.

814 Procedural Requirements

1. Pre-Application Meeting: A pre-application meeting between the Planning Board and/or Planning Department and the applicant is strongly encouraged.

2. Preliminary (Conventional) Plan/RCC Sketch Plan: Applicants proposing the subdivision of land into six (6) or more lots shall submit a Sketch Plan for an RCC Development along with a Preliminary (Conventional) Subdivision Plan for review by the Planning Board. One of the purposes of this review is to determine the number of lots possible in the RCC Development. For this reason, it is strongly recommended that a copy of the existing conditions plan required in Section 814.3 below be submitted at this stage. The Planning Board shall approve, approve with conditions, or disapprove the preliminary plan/RCC Sketch Plan within forty-five (45) days of receipt of a completed application. Upon receipt of the Planning Board's written decision regarding said plan, the applicant may submit a definitive subdivision and RCC Development plan in accordance with the Planning Board's written decision. If the above-noted forty-five (45) day time period has lapsed without a written decision being issued by the Planning Board, the applicant may submit a definitive subdivision and RCC Development plan in accordance with Section 814.3 of this Bylaw.

3. Definitive Subdivision and RCC Development Plan: The Definitive RCC Development Subdivision Plan shall show: location and boundaries of the site, proposed land and building uses, lot lines, location of open space, proposed grading, location and width of streets and ways, parking, landscaping, existing vegetation to be retained, water supply or approximate location of wells, drainage, proposed easements and methods of sewage disposal. A team including a Registered Civil Engineer, Registered Land Surveyor and a Registered Landscape Architect shall prepare the plan. An accompanying Existing Conditions Plan shall depict existing topography, wetlands, waterbodies and the 100-year floodplain, all existing rights of way, easements, existing structures, the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views, watershed divides and drainage ways, fences and stone walls, roads, driveways, and cart paths. Submission of photographs depicting existing conditions, views and vistas from various locations on the property and from public and private ways shall accompany the plan submission. The Site Analysis shall also show locations of soil test pits and percolation tests, with supporting documentation on test results. Applicants shall also include a statement indicating the proposed use and ownership of the open space as permitted by this Bylaw. Applicants should refer to the Subdivision Rules and Regulations for provisions regarding preparation and submittal of plans.

4. Density/Number of Dwelling Units: The total number of dwelling units in a Residential Conservation Cluster shall be determined by the following formula:

(a)
$$\frac{[\text{Total area of land subject to the application}] - [\text{Area of wetlands and waterbodies}]}{[\text{Applicable Land Area}] \times [.75]} \div \text{Minimum Lot Area Established for the Zoning District} = \text{Total number of dwelling units.}$$

The number of dwelling units permitted in a Residential Conservation Cluster shall not exceed that which would be permitted under a conventional subdivision that complies with the Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board and any other applicable laws and regulations.

5. Review and Decision: Upon receipt of the application and the required plans, the Planning Board shall transmit one copy each to the Board of Health and Conservation Commission. Within 45 days of their receipt of the application/plans, these agencies shall submit any recommendations to the Planning Board. The Planning Board shall act on applications according to the procedure specified in G. L. c. 40A, sec. 9. Notice shall be provided of hearings in accordance with Chapter 40A, sec. 11 and Chapter 41, sec. 81T. Public hearings for the subdivision application and the special permit application shall be conducted concurrently.

6. Criteria for Special Permit Decision:

(a) Findings: The Planning Board may approve the development upon finding that it complies with the purposes and standards of the RCC Development Bylaw and is superior in design to a conventional subdivision with regard to protection of natural features and scenic resources of the site. The Planning Board shall consider the following criteria in making its decision:

1. Upland open space as required by this Bylaw has been provided and generally conforms to the Design Requirements in Section 818 of this Bylaw.
2. Approximate building sites have been identified and are not located closer than 100 feet to wetlands and waterbodies.
3. Proposed streets have been aligned to provide vehicular access to each dwelling unit in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide lots with views of and access to the open space.
4. All lots meet the applicable dimensional requirements of Section 815 of the RCC Development Bylaw and all other relevant provisions of the Zoning Bylaw.
5. The provisions of Section 820 of the Zoning Bylaw will be met.

The Planning Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the application for special permit.

(b) Conditions: The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Bylaw. Approval of an RCC Development shall be conditioned upon Definitive Subdivision approval and shall be conditioned to provide that no further division of land which increases the number of lots or results in an alteration to the area to be set aside as open space may occur without a modification of the special permit. Any alteration of lot lines or layout of ways shall require approval of the Planning Board and shall be in compliance with the requirements of the RCC Development Bylaw and the Subdivision Rules and Regulations.

(c) Time Limit: A special permit is granted for a period of two years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. In its sole discretion, the Planning Board may grant extensions to allow construction of subdivisions within the vested rights limits set forth in G.L. c. 40A, sec. 6 except where such extension would derogate from the intent and purpose of this Bylaw.

(d) Relationship to Subdivision Control Law: Nothing contained herein shall exempt a proposed subdivision from compliance with other applicable provisions of these Bylaws or the Subdivision

Rules and Regulations of the Planning Board, nor shall it affect the right of the Board of Health and of the Planning Board to approve, condition or disapprove a subdivision plan in accordance with the provision of such Rules and Regulations and of the Subdivision Control Law.

815 Standards and Dimensional Requirements

Where the requirements of this section differ from or conflict with the requirements found elsewhere in this Bylaw, the requirements of this section shall prevail.

1. Minimum Lot Size: The minimum lot size shall be one-half the square footage otherwise required by the Zoning District in which the project is located.
2. Minimum Frontage: The minimum frontage may be reduced from frontage otherwise required in the Zoning District, provided however that no lot shall have less than 50 feet of frontage and provided further that such frontage reduction shall apply only to lots fronting on proposed internal roadways.
3. Setbacks: Provided that no objection to the contrary is raised by the Fire Department, the Planning Board may reduce by up to one-half the setbacks otherwise required by the Zoning Bylaw if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this Bylaw. Notwithstanding this provision or the requirements of the Zoning Bylaw, every dwelling fronting on the proposed roadways shall be set back a minimum of 15 feet from the roadway right-of-way and a minimum of 50 feet from the outer perimeter of the land subject to the application. This 50-foot setback shall be maintained in a naturally vegetated state to screen and buffer the development and may be included within the open space. This setback may be eliminated where the proposed development abuts existing permanent open space. Wherever feasible, construction of the dwelling at the front setback line is encouraged.
4. Required Open Space: All land area not utilized for lots, roads, and drainage shall be set aside as open space. A minimum of 60% of the upland area of the parcel ("applicable land area") shall be provided as open space. As an exception, where the open space is proposed to be deeded to the Town or a qualified land trust pursuant to 817 of this Bylaw, and in fact, such a transfer occurs, a minimum of 50% of the upland area of the parcel shall be provided as open space. Applicants are encouraged to include wetlands and waterbodies within the open space; however, they do not count toward the open space requirement. Roadway rights-of way shall not count toward the area to be provided as open space.

816 Permissible Uses Of Open Space

1. Purposes: Open space shall be used solely for recreation, conservation, or agriculture purposes by residents and/or the public. Where appropriate, multiple use of open space is encouraged. At least half of the required open space may be required by the Planning Board to be left in a natural state. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.
2. Leaching Facilities: Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal systems serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or waterbodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants that such facilities shall be adequately maintained by the lot owners within the development. No portion of the open space containing components of a sewage disposal system(s) shall count toward the open space requirements of Section 815.4, nor shall any portion of said open space areas be accepted by the Town or conveyed to a nonprofit organization other than a corporation or trust described in Section 817.

817 Ownership Of Open Space

1. Ownership Options: At the developer's option and subject to approval by the Planning Board, all areas to be protected as open space shall be:
 - (a) Conveyed to the Town to be placed under the care, custody and control of the Conservation Commission, and be accepted by it for a park or open space use. Land conveyed to the Town shall be open for public use;

(b) Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified below. Such organization shall be acceptable to the Town as a bona fide conservation organization; or (c) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (i.e. “homeowners’ association”) and placed under conservation restriction. If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners’ association is capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the homeowners’ association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.

2. Permanent Restriction: In any case when open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction, in accordance with G. L. c. 184 sec. 31, approved by the Planning Board and Board of Selectman, and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this Bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Plymouth County Registry of Deeds simultaneously with recording of the definitive subdivision plan. A management plan may be required by the Planning Board that describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices.

3. Encumbrances: All areas to be set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances.

4. Maintenance of Open Space: In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses.

818 Design Process

Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, house lots, and contiguous open space.

1. Understanding the Site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.

2. Evaluating Site Context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

3. Designating the Contiguous Open Space. The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.

4. Location of Development Areas. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with Wareham’s historical development patterns.

5. Lot Lines. The final step is to draw the lot lines.

819 Design Requirements

The location of open space provided through this Bylaw shall be consistent with the policies contained in the Wareham Comprehensive Plan and the Open Space and Recreation Plan, as amended. The following design requirements shall apply to open space and lots provided through this Bylaw:

1. Open space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than 100 feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
2. Open space shall be arranged to protect valuable natural and cultural environments such as stream valleys, wetland buffers, unfragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites and to avoid development in hazardous areas such as floodplains and steep slopes. The development plan shall take advantage of the natural topography of the parcel and cuts and fills shall be minimized.
3. Open space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.
4. Where the proposed development abuts or includes a body of water or a wetland, these areas and the 100-foot buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to shorelines.
5. The maximum number of house lots compatible with good design shall abut the open space and all house lots shall have reasonable physical and visual access to the open space through internal roads, sidewalks or paths. An exception may be made for resource areas vulnerable to trampling or other disturbance.
6. Open space shall be provided with adequate access, by a strip of land at least 20 feet wide, suitable for a footpath, from one or more streets in the development.
7. Development along existing scenic roads and creation of new driveway openings on existing regional roadways shall be minimized.
8. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land. Trail connections should be provided where appropriate.
9. Residential structures shall be oriented toward the street serving the premises.

820 Types of Buildings

The provisions of any other portion of the Zoning Bylaw notwithstanding, an RCC Development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than three (3) dwelling units. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades.

821 Affordable Component

As a condition of the grant of any special permit for a RCC Development containing six (6) or more lots or dwelling units, the Planning Board shall ensure compliance with the provisions of Section 830 ("Inclusionary Housing") of the Zoning Bylaw.

822 Special Permit Requirements

In reviewing an application under this Bylaw, the Planning Board shall rely, to the extent warranted, on the provisions of Section 1450 of the Zoning Bylaw.

830 INCLUSIONARY HOUSING

831 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 Housing Plan, G.L. c. 40B sec. 20-23 and ongoing programs within the Town to promote a reasonable percentage of housing that is affordable to moderate income buyers. It is intended that the affordable housing units that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under G. L. c. 40B sec. 20-23.

832 Definitions

1. Affordable Housing Unit. A dwelling unit that qualifies as a local initiative unit under the Commonwealth's Local Initiative Program and meets the requirements of a subsidized housing unit for purposes of listing in the subsidized housing inventory under G. L. c. 40B Sec. 20-23.
2. Qualified affordable housing unit purchaser. An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD) for the Wareham standard metropolitan statistical area (SMSA).

833 Applicability

1. Division of Land. This Bylaw shall apply to the division of land into six (6) or more lots, and shall require a special permit from the Planning Board under Section 800 or Section 810 of the Zoning Bylaw. A special permit shall be required for land divisions under G. L. c. 40A sec. 9 as well as for "conventional" or "grid" divisions allowed by G. L. c. 41 sec. 81-L and sec. 81-U, including those divisions of land that do not require subdivision approval.
2. Multiple Units. This Bylaw shall apply to the construction of six (6) or more dwelling units whether on one or more contiguous parcels, and shall require a special permit from the Planning Board.

834 Mandatory Provision of Affordable Units

The Planning Board or Board of Appeals shall, as a condition of approval of any development referred to in Sections 833.1 and 833.2, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this Bylaw and more fully described in Section 835.

835 Provision of Affordable Units

The Planning Board or Board of Appeals shall deny any application for a special permit for development under Sections 800 and 810 and this section if the applicant for special permit approval does not agree that:

- 1) At least ten (10) percent of the lots 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 for below. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number, such that a development proposing six (6) dwelling units shall require one affordable unit, a development proposing eleven (11) dwelling units shall require two affordable units and so on.
 - (a) Constructed or rehabilitated on the locus subject to the special permit;
 - (b) Constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 838);
 - (c) An applicant may offer, and the Planning Board in concert with the Board of Selectmen, may accept donations of land in fee simple, on or off-site, that the Planning Board or Board of Appeals determines are suitable for the 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 Planning Board or Board of Appeals may require, prior to accepting land as satisfaction of the requirements of this Bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value;

(d) For non-rental affordable housing units, a cash payment to the Wareham Affordable Housing Trust Fund may be made subject to Section 841 of this Bylaw. The applicant may offer, and the Planning Board or Board of Appeals may accept, any combination of the Section 835.1(a)-(d) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this Bylaw.

836 Provisions Applicable to Affordable Housing Units On- and Off-Site

1. 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.
2. Minimum design and construction standards for affordable units – Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.
3. Timing of construction or provision of affordable units or lots – Where feasible, affordable housing units shall be provided coincident to the development of market rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>MARKET-RATE UNIT %</u>	<u>AFFORDABLE HOUSING UNIT%</u>
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

Fractions of units shall not be counted.

837 Marketing Plan for Affordable Units

Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board or Board of Appeals, to the Planning Board or Board of Appeals for approval, which describes how the affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program.

838 Provision of Affordable Housing Units Off-Site

As an alternative to the requirements of Section 835.1(a), an applicant subject to the Bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 835 off-site. All requirements of this Bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an integral element of the special permit review and approval process.

839 Maximum Incomes and Selling Prices: Initial Sale

1. The developer of the housing units or his/her agent shall verify prior to transferring title or executing a lease that each prospective purchaser or renter of an affordable housing unit created

under this Bylaw is a household of low or moderate income, as defined by the Commonwealth's Local Initiative Program (LIP). Toward this end:

a) The developer shall engage a qualified certifying agent acceptable to the Planning Board to receive purchase or rental applications, obtain and review documentation concerning sources and amounts of household income, and certify to the Town that all purchasers or renters approved for an affordable unit meet LIP income eligibility requirements.

b) The developer is responsible for making arrangements acceptable to the Planning Board to provide annual certifications to the Town as may be required to place and maintain the affordable units on the Commonwealth's Chapter 40B Subsidized Housing Inventory.

2. The maximum allowable purchase price or maximum allowable rent for affordable units created under this Bylaw shall comply with the regulations and guidelines of the Local Initiative Program (LIP).

840 Preservation of Affordability; Restrictions on Resale

Each affordable unit created in accordance with this Bylaw shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability to qualified purchasers in the future. The resale controls shall be established through a deed rider or an affordable housing restriction as defined by G.L. c.184, Section 31, recorded at the Plymouth County Registry of Deeds and shall be in force for as long a period as is lawful. The affordable housing use restriction shall meet the requirements of the Local Initiative Program.

1. Resale price – Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 840. For example, if a unit appraised for \$300,000 is sold for \$225,000 as a result of this Bylaw, it has sold for 75% of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$325,000, the unit may be sold for no more than \$243,750 or 75% of the appraised value of \$325,000. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning 80% of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of 30% of the household's annual income on housing costs. Housing costs shall include principal, interest, property tax, insurance payments and association or condominium fees.

2. 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 Town's right of first refusal for a period not less than the maximum period allowable under guidelines set by the Department of Housing and Community Development for Local Initiative Units as defined by the Local Initiative Program, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

3. The Planning Board shall require, as a condition for special permit approval under this Bylaw that the deeds to the affordable housing units contain a restriction against renting or leasing said unit during the period for which the housing unit contains a restriction on affordability.

4. The Planning Board or Board of Appeals shall require, as a condition for special permit approval under this Bylaw, that the applicant comply with the mandatory set asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section 840. 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.⁸⁴¹ Fees in Lieu of Affordable Housing Units

As an alternative to Section 835 (a) through (c), an applicant may contribute a cash payment to the Wareham Affordable Housing Trust Fund, to be used for the development of affordable housing by the Town or its designees, in lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

1. Calculation of fees-in-lieu of units. The applicant for development subject to this Bylaw may pay a fee in lieu of the construction of affordable units. For each affordable unit not constructed or provided through one or a combination of the methods specified in 835 (a) through (c), the fee shall be an amount equal to the difference between the median sale price for new single-family homes built in Wareham during the preceding three fiscal years as determined and reported by the Board of Assessors, and the purchase price of a home that is affordable to a qualified purchaser.

a) For developments of multi-family condominiums, the Planning Board may substitute the median sale price for new condominiums built in Wareham during the preceding three fiscal years for the median sale price of new single-family homes.

b) The methodology used to determine an affordable purchase price shall comply with Local Initiative Program guidelines in effect at the time of application for a special permit.

c) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Wareham at the time of application for a special permit, all in accordance with the Inclusionary Housing Submission Requirements and Procedures Manual adopted by the Planning Board and filed with the Town Clerk.

d) Upon adoption of this Bylaw by town meeting, the Planning Board shall prepare and adopt an Inclusionary Housing Submission Requirements and Procedures Manual after holding a public hearing on the same.

2. Schedule of fees in lieu of payments. Fees in lieu of payments shall be paid according to the schedule set forth in Section 836 (3), above.

EXPLANATION:

This language replaces the existing Residential Cluster Development language with new wording for Cluster Development and also adds a section on Inclusionary Housing. Cluster Development acts to concentrate residences within a smaller area than a normal lot of, say 30,000, 60,000, 43,000 or 130,000 sq. ft. which are the current residential zoning district areas for each respective district. Our current language lacks some specifics that will be enhanced with this new Article. The new rules will give existing and future residents greater protections through the preservation of environmentally sensitive areas and buffering from sensitive wetland areas.

In addition, this language includes a new section on Inclusionary Housing which requires that 10 percent of the units within any new subdivision or multi-family development shall be dedicated to providing housing opportunities to those persons and families with household incomes that do not exceed 70% of median income.

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

ARTICLE 17

To see if the Town will vote to **delete**, under **Article 15, Site Plan Review, Sections 1510, 1520** and **add** the following sections which will replace this current language. Also, to **add** the following language under Section **1570 “ Expenses incurred by the SPGA in connection with site plan review including the reasonable fees and expenses of any consultants retained by the SPGA,**

shall be borne by the applicants for site plan approval". In addition, to add new language under sections 1570 thru 1590 as exhibited below.

ARTICLE 15 SITE PLAN REVIEW SPECIAL PERMIT

1510 Purpose:

Each use for which a site plan submission is required is a potentially significant addition to a developing or developed area of the town, and to a residential, commercial or industrial neighborhood. The purpose of site plan review special permit is to ensure the design and layout of certain developments permitted as a matter of right or by special permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment. It is intended that the site plan for each use be prepared with due consideration for:

- (a) Protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, vibration, and the allowance of sun, light, and air; (b) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
- (c) Adequacy of facilities of handling and disposal of refuse and other production by-products;
- (d) Protection of environmental features on the site and in adjacent area;
- (e) Promotion of appropriate arrangement of structures within the site and in relation to existing structures within the district and neighborhood;
- (f) Coordination with and improvement of systems of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, water courses, buildings and other features that support the neighborhood.
- (g) Compliance with all applicable sections of the Zoning By-Laws.

1520 Applicability:

Any new development, expansion, or change of use other than a single-family or two family residence which would, under the parking schedule "Number of Parking Spaces Required" of Section 920, require ten (10) or more parking spaces, regardless of the number of parking spaces existing on the premises, shall be permitted only upon the issuance of a special permit from the Planning Board for Site Plan Review. In addition, any development of any type on 30 acres or greater shall be subject to Section 1510. A special permit shall be granted only if the Special Permit Granting Authority finds that it is consistent with the purposes outlined in Section 1510 of this By-Law.

The Special Permit Granting Authority (SPGA) under section 1510 of this By-law shall be the Planning Board provided, however, that where the applicable development requires a special permit, comprehensive permit or variance from the Board of Appeals, the Special Permit Granting Authority (SPGA) under section 1510 of this By-Law shall be the Board of Appeals. Special Permits under this section 1510 shall be granted only in conformance with this Section 1510 and Section 1450 of the Wareham Zoning By-law and the requirements of MGL Chapter 40A, Section 9. Applications shall be accompanied by at least fourteen (14) prints of the plans of the proposal.

1530 Information Required:

(Sections 1531-1534 as currently printed).

1540 Evaluation Standards:

In evaluating and rendering a decision on an application for a Site Plan Review Special Permit, the SPGA shall consider if the development could achieve the objectives listed below and may require conditions and safeguards deemed necessary to realize those objectives:

(Sections 1541-1546 as currently printed).

1550 Relation to Subdivision Plan

(Sections 1550-1551 as currently printed).

1560 Procedures

(Sections 1561- 1562 as currently printed).

1570 Expenses Incurred:

Expenses incurred by the SPGA in connection with site plan review, including the reasonable fees and expenses of any consultants retained by the SPGA, shall be borne by the applicants for site plan approval.

1575 Performance Guarantee:

As a condition of the granting of special permits for any uses or structures requiring a special permit under this section, the SPGA shall require that construction and site alteration permitted and specified by said special permit be secured by one, or in part by one and in part by the other, of the following methods, which method may be selected and from time to time varied by the applicant upon receiving written approval from the Planning Board:

1. By a proper bond or deposit of money or negotiable securities sufficient in the opinion of the SPGA to secure performance of the construction of buildings, parking areas and appurtenances thereto required for completion of the project as noted in the special permit and shown on any accompanying plans. The SPGA shall require that said construction shall be completed within a specific period of time; or
2. By a covenant executed and duly recorded by the owner of record, running with the land, whereby said construction will be completed before such buildings or appurtenances thereto may be eligible for an occupancy permit.

1580 Release of Guarantee:

Performance bonds, deposits or covenants may be released in whole or from time to time, in part, when the work has been satisfactorily completed in the opinion of the SPGA. The SPGA shall then release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same or release the covenant by appropriate instrument duly acknowledged which shall be recorded at the Plymouth County Registry of Deeds. Request for all releases shall be by certified, return receipt letter to the SPGA and the Town Clerk and shall outline that portion of the work to be released and shall be accompanied by an engineer's or surveyor's certification that the work has been done in accordance with the requirements of the granted special permit. If the SPGA determines that said construction or site alteration has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk, the details wherein said construction or site alteration fails to comply with the special permit and upon failure to do so within forty-five (45) days after the receipt by said Town Clerk of said request by the applicant, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned, and such other covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

1585 Other Regulations:

This Section 1510 is supplementary to the other existing Zoning By-Laws affecting the access, circulation, design and landscaping of parking areas. Where the application of Section 1510 imposes a greater restriction than is imposed by other Zoning By-Laws, the application of Section 1510 shall control.

1590 Decision:

Special permits may be granted and plans may be approved provided that the SPGA determines that subject to any conditions that may be imposed the requirements of Sections 1510 and 1450 will be satisfied and that no other conflicts between the proposal and the Zoning By-Laws have been observed.

NOTE: Unless included "as currently printed" all provisions of Article 15 are proposed as replaced by the above noted text.

EXPLANATION:

These additions to the Site Plan review article within the Zoning By-Law grant the Special Permit Granting Authority greater power and flexibility in ensuring that quality site layout and development takes place in Wareham.

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

ARTICLE 18

To see if the Town will vote to add to Article 2: **"Zoning Districts"**, at **Section 210, subsection 211.2**, the following: " e) East Wareham Village 1 (V1) The V1 district is intended to promote business and residential development in the historic East Wareham Village area that provides a stable economic base, protects the historic buildings, fosters re-use of existing buildings, and compatible with the established business uses along the nearby highway interchange and corridor."

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

ARTICLE 19

To see if the Town will vote to **add** the V1 District to the Use Tables, Article 3, Section 320:

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	WV1	WV2	OV1	OV2	V1
AGRICULTURAL AND RURAL USES					
Agricultural uses upon tracts less than 5 acres	Y	N	Y	Y	Y
Agricultural uses upon tracts of 5 acres or more	Y	Y	Y	Y	Y
Cider mill, ice house, temporary sawmill	N	N	N	N	N

Horticulture on less than 5 acres	N	N	N	N	N
ANIMAL-RELATED USES					
Animal kennels	SPZ	N	SPZ	SPZ	SPZ
Riding stable	SPZ	N	N	N	SPZ
Piggeries, fur farms	N	N	N	N	N
Veterinary hospital	N	N	N	N	N
RECREATIONAL USES					
Campground	SPZ	N	N	N	N
Golf course or golf club	SPZ	N	N	N	N
Non-profit recreation	Y	Y	Y	Y	Y
Health or athletic facility	N	N	N	N	Y
Tennis club	SPZ	SPZ	N	N	SPZ
Youth camp	SPZ	SPZ	N	N	SPZ
RESIDENTIAL USES					
1-family detached dwelling	Y [‡]	Y [‡]	Y [‡]	Y [‡]	Y[‡]
2-family dwelling	Y [‡]	Y [‡]	Y [‡]	Y [‡]	Y[‡]
3 to 4 family dwelling in existing structure	SPZ	SPZ	SPZ	SPZ	SPZ
3 to 4 dwelling in new structures	SPZ	N	N	N	SPP
5+ family dwelling in existing structures	SPZ	SPZ	SPZ	SPZ	SPZ
5+ dwelling in new structures	SPZ	N	N	N	SPP
Apartments in mixed-use building					
Manufactured home park	N	N	N	N	N
Residential Cluster Development	SPP	SPZ	SPP	SPP	SPP
Seasonal conversion	SPZ	SPZ	SPZ	SPZ	SPZ
EDUCATIONAL AND INSTITUTIONAL USES					
Municipal use	Y	Y	Y	Y	Y
Hospital, hospital connected facilities	Y	N	N	N	N
Nursing home, intermediate care center, day care center	Y	SPZ	N	Y	Y
Educational use, non-exempt	Y	Y	Y	Y	Y
Educational use, exempt	Y	Y	Y	Y	Y
Oceanographic and engineering research	Y	N	N	N	N
Membership club					Y
Religious use	Y	Y	Y	Y	Y
Other places of assembly	SPZ	N	SPZ	N	SPZ
Cemetery	N	N	N	N	N
COMMERCIAL USES					
Banks	Y	N	Y	Y	Y
Offices	Y	Y	Y	Y	Y
Retail businesses	Y	N	Y	N	Y
Service establishments not involving manufacture on premises	Y	N	Y	N	Y
Motor vehicle service	Y	N	Y	N	Y
Motor vehicle sales	Y	N	Y	N	Y
Filling stations for gasoline, diesel fuel, liquid propane	N	N	N	N	N
Dry cleaning / laundromat	Y	N	Y	N	Y
Conference center	N	N	Y	Y	SPZ
Motel, hotel	N	N	Y	Y	Y
Bed & breakfast	Y	Y	Y	Y	Y
Guest house	N	Y	Y	Y	SPP
Neighborhood grocery store	Y	SPZ	Y	N	Y

PRINCIPAL USE	WV1	WV2	OV1	OV2	V1
Wholesale business	Y	N	Y	N	Y
Restaurants	Y	N	Y	N	Y
Drive-in establishment					
Commercial recreational facilities	N	N	N	N	N
Other places of amusement	SPZ	N	SPZ	N	SPZ
Adult use	N	N	N	N	N
MARINE USES					
Marinas	Y	N	N	N	N
Retail sale of marine equipment and supplies (not including fish products or food)	Y	N	Y	N	Y
UTILITY					
Public utility	N	N	Y	N	Y
Structures for public utility use not including repair stations or outside storage of supplies	N	N	Y	N	Y
Wireless communication facility, not exceeding 40 feet in height	Y	Y	Y	Y	Y
Wireless communication facility, exceeding 40 feet in height	SPZ	SPZ	SPZ	SPZ	SPZ
INDUSTRIAL USES					
Manufacturing of products produced on premises the major portion of which are sold on premises from producer to consumer	N	N	N	N	N
Light manufacturing	N	N	N	N	N
Manufacture of marine vessels	Y	N	N	N	N
Industrial (except earth removal)	N	N	N	N	N
Gravel, loam, sand, stone, or earth removal	N	N	N	N	N
Fish processing plants	N	N	N	N	N
Storage facilities	N	N	N	N	N
Junkyards and salvage yards	N	N	N	N	N
Hazardous waste facility	N	N	N	N	N
Solid waste facility	N	N	N	N	N
TRANSPORTATION USES					
Aviation field	N	N	N	N	N
Public service or other passenger stations	Y	N	N	N	Y
Trucking and transportation terminals	N	N	N	N	N

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.0

Table of Accessory Use Regulations

ACCESSORY USE	WV1	WV2	OV1	OV2	V1
AGRICULTURAL AND RURAL USES					
Farm stand or roadside stand	N	N	N	N	N
RECREATIONAL USES					
Food and beverage services and accessory uses related to permitted recreational activities	N	Y	N	N	N
Food and beverage services and accessory uses related to permitted motels, hotels, and conference centers	N	Y	N	N	Y

ACCESSORY USE	WV1	WV2	OV1	OV2	V1
RESIDENTIAL USES					
Accessory apartment					
Home occupation	Y	Y	Y	Y*	Y
Home office of profession or trade conducted by a resident of the premises	Y	Y	Y	Y*	Y
Taking of boarders or lodgers	Y	Y	Y	Y*	Y
EDUCATIONAL AND INSTITUTIONAL USES					
Accessory uses for scientific research, scientific development, or related production activities	SPZ	SPZ	SPZ	SPZ	SPZ
COMMERCIAL USES					
Outdoor advertising	N	N	N	N	N
MARINE USES					
Filling stations for marine vessels	Y	N	N	N	N
Marine connected uses	Y	N	N	N	N
UTILITIES					
Direct antenna 5 feet or more in diameter	SPZ	SPZ	SPZ	SPZ	SPZ
Direct broadcast antenna, under five feet in diameter	Y	Y	Y	Y	Y
Wireless communications facility enclosed	Y	Y	Y	Y	Y
Wireless communications facility, attached to existing structure not exceeding 40 feet in height	Y	Y	Y	Y	Y

EXPLANATION:

This new zoning district **DENOTED IN BOLD** is located at the confluence of Route 495/25 at Glen Charlie Road and Cranberry Highway. We are attempting to resolve some compatibilities and differences within the Village Zoning Districts and will be combining some of them to decrease the number of districts in Town. This new district is a frontrunner of this effort.

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

ARTICLE 20

To see if the Town will vote to add to Article 6 DENSITY AND DIMENSIONAL REGULATIONS the following language for the V1 District:

	WV1	V1	
Minimum Lot Area (square feet)			
1-family dwelling	10,000	10,000	
2-family dwelling	12,000 ^c	12,000^c	
Other residential use: d			
First dwelling unit	10,000 ^f	10,000^f	
Each additional unit	2,000 ^{i,j}	2,000^{i,j}	
Motel or hotel: k			
First unit	NA	NA	
Each additional unit	NA	NA	
Other nonresidential use	10,000	10,000	
Minimum Frontage (feet)			
1-family dwelling	75	75	
2-family dwelling	75	75	
Other residential use	75	75	
Nonresidential use	75	75	
Minimum Front Setback (feet)			
1-family dwelling	10	10	
2-family dwelling	10	10	
Other residential use	10	10	
Nonresidential use	10	10	
Minimum Side/Rear Setback (feet)			
1-family dwelling	10	10	
2-family dwelling	10	10	
Other residential use	10	10	
Nonresidential use	10	10	
Maximum Height (feet)			
1-family dwelling	40	40	
2-family dwelling	40	40	
Other residential use	40	40	
Nonresidential use	40	40	
Maximum Building Coverage (%)			
1-family dwelling	30	30	
2-family dwelling	30	30	
Other residential use	30	30	
Nonresidential use	30	30	
Maximum Impervious Surface (%)			
1-family dwelling	70	70	
2-family dwelling	70	70	
Other residential use	70	70	
Nonresidential use	70	70	

Village Districts

NA = Use not allowed NR = No regulation

- a. 30,000 square feet if not connected to the municipal sewerage system.
- b. 42,000 square feet if not connected to the municipal sewerage system.
- c. 2,000 square feet for a 2-family dwelling in an existing structure.
- d. The required lot area is the sum of (1) the area required for the first dwelling unit and (2) the area required for each additional unit multiplied by the number of units beyond the first unit.

- e. 30,000 square feet if not connected to the municipal sewerage system.
- f. 2,000 square feet if in an existing structure.
- g. And no more than 2,000 sq. ft. for each additional unit.
- h. 12,000 square feet if not connected to the municipal sewerage system.
- i. 2,000 square feet for each additional unit up to 40 units and 7,500 square feet for each unit beyond 40.
- j. 1,000 square feet if in an existing structure.
- k. The required lot area is the sum of (1) the area required for the first unit and (2) the area required for each additional unit multiplied by the number of units beyond the first unit.
- l. 30,000 square feet if not connected to the municipal sewerage system.
- m. 6,000 square feet if not connected to the municipal sewerage system.
- n. 5,000 square feet for the first commercial unit, plus 1,000 square feet for each additional commercial unit.
- o. 30,000 square feet if not connected to the municipal sewerage system.

EXPLANATION:

This article consists of adding the newly proposed V1 District to our Density and Dimensional Regulations, which directly correspond to the density and dimensional dimensions for the Wareham Village 1 District.

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

ARTICLE 21

To see if the Town will vote to **add** a definition to Article 2 of the Zoning By-Law “Zoning Districts” at 211.3 entitled “ d) Planned Commercial (CP) The Planned Commercial District is intended to provide for large-scale retail/commercial development on large sites along major public roadways which are also adjacent or near to major highway intersections and served primarily by vehicular access. Such retail is meant to serve regional or sub-regional populations. Multi-family housing and apartments in mixed-use buildings may also be allowed. This district is to be master planned and comprised of lots of large depth and dimension. Retail development within such district should encourage a pedestrian environment and include internal streets with sidewalks, street trees and landscaped parking lots.

ARTICLE 22

To see if the Town will vote to **add** a new **Zoning District** and **Use Designations** to **Planned Commercial (PC)** to **Article 33, Table 320** and, also to fill in the **Use Designations General Commercial (CG)**, *which has been a place marker in our Use Tables* since the April Town Meeting of 2005 as follows:

MR-30 = Multiple Residence
CS = Strip Commercial
CG = General Commercial
I = Industrial

Y = Allowed
N = Not Allowed
SPP or SPZ = Allowed by Special Permit

Use Restrictions

Use	Existing Districts			Proposed Districts	
	MR-30	CS	I	CG	CP
Agricultural & Rural Uses					
Agricultural uses upon tracts less than 5 acres	Y	Y	N	N	N
Agricultural uses upon tracts of 5 acres or more	Y	Y	N	N	N
Cider mill, ice house, temporary sawmill	N	Y	N	N	N
Horticulture on less than 5 acres	SPZ	Y	N	Y	SPZ
Animal Related Uses					

Use	Existing Districts			Proposed Districts	
	MR-30	CS	I	CG	CP
Animal kennels	SPZ	SPZ	N	<i>N</i>	<i>N</i>
Riding stables SPZ	SPZ	Y	N	<i>N</i>	<i>N</i>
Piggeries, fur farms	SPZ	N	N	<i>N</i>	<i>N</i>
Veterinary hospital	SPZ	Y	N	<i>SPZ**</i>	<i>SPZ***</i>
Recreational Uses					
Campground	N	Y	N	<i>N</i>	<i>N</i>
Golf course or golf club	N	Y	N	<i>N</i>	<i>N</i>
Non-profit recreation	Y	Y	N	<i>Y</i>	<i>Y</i>
Health or athletic facility	N	N	Y	<i>Y</i>	<i>Y</i>
Tennis club	N	Y	Y	<i>Y</i>	<i>Y</i>
Youth camp	N	Y	N	<i>N</i>	<i>N</i>
Residential Uses					
One family detached	Y	Y	N	<i>N</i>	<i>N</i>
Two family detached	Y	SPZ	N	<i>N</i>	<i>N</i>
Three to four family in existing structure	SPP	SPZ	N	<i>N</i>	<i>N</i>
Three to four family in new structure	SPP	SPZ	N	<i>N</i>	<i>N</i>
Five+ in existing structure	SPP	SPZ	N	<i>N</i>	<i>SPZ</i>
Five+ in new structure	SPP	SPZ	N	<i>N</i>	<i>SPZ</i>
Apartments in mixed use building	N	N	N	<i>Y</i>	<i>Y</i>
Manufactured home	Y	Y	N	<i>N</i>	<i>N</i>
Manufactured home park	N	N	N	<i>N</i>	<i>N</i>
Residential Cluster Development	SPP	SPP	N	<i>N</i>	<i>N</i>
Seasonal conversion	SPZ	SPZ	N	<i>N</i>	<i>N</i>
Educational and Institutional Uses					
Municipal use	Y	Y	Y	<i>Y</i>	<i>Y</i>
Hospital, hospital connected facilities	SPZ	Y	<i>N</i>	<i>N</i>	<i>N</i>
Nursing home, intermediate care center, day care center	N	Y	<i>SPZ</i>	<i>SPZ</i>	<i>SPZ</i>
Educational use, non-exempt	N	Y	Y	<i>Y</i>	<i>Y</i>
Educational use, exempt	Y	Y	Y	<i>Y</i>	<i>Y</i>
Oceanographic and engineering research	N	N	Y	<i>Y</i>	<i>Y</i>
Membership club	N	N	N	<i>N</i>	<i>N</i>
Religious use	Y	Y	Y	<i>Y</i>	<i>Y</i>
Other places of assembly	N	Y	N	<i>SPZ</i>	<i>SPZ</i>
Cemetery	SPZ	SPZ	N	<i>N</i>	<i>N</i>
Commercial Uses					
Banks	Y	Y	Y	<i>Y</i>	<i>Y</i>
Offices	Y	Y	Y	<i>Y</i>	<i>Y</i>
<i>Laboratory or research office</i>				<i>Y</i>	<i>Y</i>
Retail businesses	N	Y	N	<i>Y</i>	<i>Y</i>
Service establishments not involving manufacture on premises	N	N	N	<i>Y</i>	<i>Y</i>
Motor vehicle service	N	SPZ	Y	<i>SPZ</i>	<i>N</i>
Motor vehicle sales	N	SPZ	N	<i>SPZ</i>	<i>SPZ</i>
Filling stations for gasoline, diesel fuel, and liquid propane	N	N	N	<i>N</i>	<i>N</i>
<i>Dry cleaning, drop off/pick up only</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>Y</i>	<i>Y</i>
<i>Laundromat</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>Y</i>	<i>Y</i>
Conference center	N	Y	<i>N</i>	<i>Y</i>	<i>Y</i>
Motel, hotel	N	Y	N	<i>SPZ</i>	<i>Y</i>
Bed & breakfast	N	Y	N	<i>Y</i>	<i>N</i>
Guest house	N	N	N	<i>Y</i>	<i>N</i>
Neighborhood <i>convenience</i> store	SPZ	Y	N	<i>Y</i>	<i>Y</i>
Wholesale business	N	Y	Y	<i>SPZ</i>	<i>SPZ</i>

Use	Existing Districts			Proposed Districts	
	MR-30	CS	I	CG	CP
Restaurants	N	Y	N	Y	Y
Restaurants, Drive-in				N	N
Non-Food Drive-in establishment	N	N	N	SPZ	SPZ
Commercial recreational facilities	N	Y	N	N	SPZ
Other places of amusement	N	Y	N	N	N
Adult use	N	N	SPZ	N	N
Marine Uses					
Marinas	N	N	Y	N	N
Retail sale of marine equipment and supplies (Not including fish products or food)	N	Y	Y	Y	Y
Utility Uses					
Public utility	SPZ	N	Y	Y	Y
Structures for public utility use not including repair stations or outside storage of supplies	SPZ	Y	Y	Y	Y
Wireless communication facility, not exceeding 40 feet in height	Y	Y	Y	Y	Y
Wireless communication facility, exceeding 40 feet in height	SPZ	SPZ	SPZ	SPZ	SPZ
Industrial Uses					
Manufacturing of products produced on premises the major portion of which are sold on premises from producer to consumer	N	SPZ	Y	SPZ	SPZ
Light manufacturing	N	N	Y	N	N
Manufacture of marine vessels	N	N	Y	N	N
Industrial (except earth removal)	N	SPZ	SPZ	N	N
Gravel, loam, sand, stone, or earth removal	N	SPZ	SPZ	N	N
Fish processing plants	N	SPZ	N	N	N
Storage facilities	N	N	N	N	N
Junkyards and salvage yards	SPZ	SPZ	N	N	N
Hazardous waste facility	N	N	N	N	N
Solid waste facility	N	N	N	N	N
Transportation Uses					
Aviation field	N	N	N	N	N
Public service or other passenger stations	N	Y	Y	SPZ	SPZ
Trucking and transportation terminals	N	N	SPZ	N	N

Use Restrictions: Accessory Uses

Accessory Use	Existing Districts			Proposed Districts	
	MR-30	CS	I	CG	CP
Agricultural & Rural Uses					
Farm stand or roadside stand	Y	N	N	Y	SPZ
Recreational Uses					
Food and beverage services and accessory uses related to permitted recreational activities	N	N	Y	Y	Y
Food and beverage services and accessory uses related to permitted motels, hotels, and conference centers	N	N	N	Y	Y
Educational and Institutional Uses					
Accessory uses for scientific research, scientific development, or related production activities	SPZ	SPZ	Y	Y	Y
Residential Uses					
Accessory apartment	N	N	N	Y	N
Home occupation	Y*	N	N	SPZ	SPZ
Home office of profession or trade conducted by a resident of the premises	Y**	N	N	Y	Y
Taking of boarders or lodgers	Y	N	N	N	N
Commercial Uses					
Outdoor advertising	N	Y	N	N	N
Outdoor sales	N	N	N	N	N
Marine Uses					
Filling stations for marine vessels	N	N	N	N	N
Marine connected uses	N	N	Y	N	N
Utility Uses					
Direct antenna 5 feet or more in diameter	SPZ	SPZ	SPZ	SPZ	SPZ
Direct broadcast antenna, under 5 feet in diameter	Y	Y	Y	SPZ	SPZ
Wireless communications facility enclosed	N	Y	Y	SPZ	SPZ
Wireless communications facility, attached to existing structure not exceeding 40 feet in height	N	Y	Y	SPZ	SPZ

*In multifamily dwellings, this activity is prohibited.

In single family dwellings, this activity is permitted by right provided there is no external evidence of any business other than permitted signs. In multifamily dwellings, this activity is prohibited. *May be allowed only if served by sewer.

EXPLANATION:

This article adds a new commercial district and use designations to the bylaw, the Planned Commercial District (CP) and, also fills in the Use Table under the General Commercial (CG) heading, which has been a place marker since the April Town Meeting of 2005.

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

~~To see if the Town will vote to add, under Article 3. TABLE OF PRINCIPAL USE REGULATIONS, at Section 380 USES PROHIBITED IN ALL DISTRICTS, "Storage containers, specifically those metal and/or wooden boxes used as freight containers on ships, railroad cars and trucks, are prohibited in all zoning districts. This also includes truck bodies".~~

~~EXPLANATION: Many areas are witnessing this type of storage facility being placed in residential districts, as well as commercial areas. This is an unsightly use and this amendment acts to prohibit this practice.~~

ARTICLE B

~~To see if the Town will vote to delete Under Article 3. TABLE OF PRINCIPAL USE REGULATIONS, at Table 321, under COMMERCIAL USES IN THE INDUSTRIAL ZONE heading (IND), the SPZ at Retail Businesses" and add "N".~~

EXPLANATION:

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

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

~~ARTICLE C~~

~~To see if the Town will vote to delete under Article 3. TABLE OF PRINCIPAL USE REGULATIONS, at Table 321, under "TRANSPORTATION USES", at "Public service or other passenger stations" at **"WV1"**, the **"N"**, signifying that the use is prohibited in this District and **add "Y"**, signifying that it is an allowed use in this District.~~

EXPLANATION:

~~This action will allow a passenger station/bus stop for public transport to be located in our downtown Village District which encompasses the Tremont Nail site on Elm Street, extending to Main Street and then to Zecco Marine at the southeasterly end of Main Street. This area is in need of a bus station to bring people in and out of this area, which is the Town's historic retail and service center.~~

~~ARTICLE D~~

~~To see if the Town will vote to delete under Article 3. TABLE OF PRINCIPAL USE REGULATIONS, at Table 321, under PRINCIPAL USES AT "RESIDENTIAL USES", in the row entitled "Manufactured Home" the "Y" in all zoning districts signifying an allowed use and; to add "N", signifying a prohibited use.~~

EXPLANATION:

~~Manufactured homes are only allowed in Manufactured Home/Mobile Home Parks of which Wareham has several. This is a housekeeping article that was inadvertently overlooked at the last Town Meeting.~~

~~ARTICLE E~~

~~To see if the town will vote to **delete** Under Article 15 **"Site Plan Review"**, Subsection 1561, **the period** at the end of the first sentence and **add** the words **"...and Orders of Conditions on Comprehensive Permits approved under M.G.L. Chapter 40B."**~~

EXPLANATION:

~~This article confirms the enforcement power of the Zoning Enforcement Officer to include Comprehensive Permits, so-called affordable housing projects, issued by the Zoning Board of Appeals.~~

~~ARTICLE F~~

~~DEFINITIONS:~~

~~To see if the town will vote to **delete** At Article 3, Section 350 **"USE DEFINITIONS"** at Subsection 356 **"Service Establishments"**.~~

~~To see if the Town will vote to **add at Article 3, at Section 350, Subsection 356**, the definition for **"Service Establishments and/or Service-Related Shopping"**, "Those shops that primarily sell services on-site, like hairdressing, manicure/pedicure services, dog grooming, etc."~~

~~To see if the Town will vote to add at Article 3, at Section 350, Subsection 356, Commercial Use” to the definition of “Office”, by adding to the first sentence, “, such as law firm, medical services, financial, real estate, etc.” and this sentence, “Not to be confused with Service Establishments and/or Service-Related Shopping”~~

EXPLANATION:

~~—————There is always some confusion in regard to what constitutes an “office” and/or “services”. This amendment acts to clear up this confusion. Services are just that, an immediate service rendered to a walk-in consumer. Office uses are those which provide services outside of walk-in needs, that is they are related to more professional, administrative or executive functions.~~

~~ARTICLE G~~

~~To see if the Town will vote to add at Article 5 a new subsection, “514 Permitted Signage” “Signage for Home Occupations shall not exceed four (4) square feet in total”.~~

EXPLANATION:

~~—————Language that limits the size of signage for Home Occupations needs to be addressed. Four (4) square feet is an adequate sign for this purpose.~~

~~ARTICLE H~~

~~ARTICLE (MAPPING CHANGES)~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the Commercial Strip #3 West Wareham or Tremont: Northwesterly by Tremont Pond; Northerly by Main Street; Easterly by lots L,T,U,S,R, a private way and Main Street as shown on plans of the Bass River Land Company situated in West Wareham; Southerly by land formerly of Alice Tobey Jones; Southwesterly by land of New York, New Haven and Hartford Railroad Company to MR30.~~

~~Article —(#2)—:~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the Commercial Strip (from east of I 195 to the present boundary of Wareham Village II) to Commercial General with the following description:~~

~~Beginning at the south westerly corner of Lot 1001A and Route 195 as shown on the assessors Map 84.~~

~~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 Centerline of Route 28 as shown on the Assessors Map 109 and 109A.~~

~~Thence Southeasterly parallel to Route 28 at a depth of 500 feet from the Centerline to the existing R-60 district adjacent to Tihonet Road as shown on Assessors Maps 109 and 109 A.~~

~~Thence along the Centerline of Route 28 Westerly to the intersection of Tremont Road as shown on Assessors Maps 109.~~

~~Thence along the existing Wareham Village II and MR-30 districts to a point more or less of the beginning as shown on Wareham Assessors Maps 83 and 84.~~

~~Article —(#3)—:~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the Commercial Strip #8, Marion Road Northwest: All of the area bounded and described as follows: Beginning at a point at the intersection of the Easterly side of Weweantic River and Northwesterly line of Marion Road;~~

~~Thence running Northeasterly and Northerly by the Northwesterly line of Marion Road to the Westerly line of Hathaway Street;~~

~~Thence turning and running Northerly by Hathaway Street to the Northeasterly corner of Lot 1010A as shown on Wareham Assessors Map 58;~~

~~Thence running to the southeasterly property line of Lot 1010A as shown on Wareham Assessors Map 58;~~

~~Thence in said line extended in a Westerly direction to Weweantic River;~~

~~Thence turning and running in a general Southwesterly and Southerly direction by the Weweantic River to the Point of beginning.~~

Article __(#4)__:

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the Marine District bounded on the west by the Lazy Harbor;~~

~~Thence on the northwest by the Center line of the Marion to Wareham 23KV Electric Transmission Line;~~

~~Thence on the Northeast by a line parallel to and 200 feet from the Centerline of Cromesett Road to the southern property line of Lot 10 as shown on Wareham Assessors Map 54;~~

~~Thence along the southern property lines of Lots 10 and 9 as shown on Wareham Assessors Map 54 to the Point of beginning to MR 30.~~

Article __(#5)__:

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the Commercial Strip (from east of Parker Mill Pond to the Center line of Division Avenue) to Commercial General with the following description:~~

~~Beginning at the southwesterly corner of Lot 1044 and Wankinco River and running northerly across Route 28 to the Northwesterly corner of Lot Lot 17 and Parker Mill Pond;~~

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

~~Thence Northeasterly along the Center line 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;~~

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

~~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;~~

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

~~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;~~

~~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;~~

~~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;~~

~~Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Point of beginning-~~

ARTICLE (#6) :

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the Commercial Strip (East from Besse's Brook to Lots 1021 and 1022A as shown on Wareham Assessors Map 115 and Lots 1002,1003 and 133A as shown on the Wareham Assessors Map 133) to MR 30 with the following description:~~

~~Beginning at the Northwest corner of Lot 1028 with Route 25 and Besse's Brook;~~

~~Thence Easterly along the Southern Right of Way of Route 25 to the Eastern corner of Lot 1022A as shown on Wareham Assessors Map 115;~~

~~Thence Southwesterly along the Eastern property line of Lot 1022A to the Northern Right of Way of Route 28;~~

~~Thence Easterly along the Northern Right of Way of Route 28 to a point directly across from the Northeastern corner of Lot 1003 as shown on Wareham Assessors Map 133;~~

~~Thence South across Route 28 and along the Eastern property line of Lot 1003 to a point 500 feet south of Route 28 as shown on Wareham Assessors Map 133;~~

~~Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Eastern property line of Lot 1043A as shown on Wareham Assessors Map 132;~~

~~Thence North along the Eastern property line of Lot 1043A across Route 28 to the Northern Right of Way of Route 28 as shown on Wareham Assessors Map 132;~~

~~Thence Easterly along the Northern Right of Way of Route 28 to the corner of Lot 6 and Division Avenue as shown on Wareham Assessors Map 115.~~

~~Thence North 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;~~

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

~~Thence Westerly from the rear Lot corner of Lot 9, across Willard Street and along Southern property lines of Lot 1020B and 1020A to Besse's Brook as shown on Wareham Assessors Map 115;~~

~~Thence Northerly along Besse's Brook to the Point of beginning.~~

~~**Article __(#7)__:**~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the Commercial Strip (from the Highway Concrete east to the intersection of Route 28, Route 25, Plymouth Road, Maple Spring Road and Santos Drive) to Commercial General with the following description:
Beginning at the Northwest corner of Lot 1021 with the Southern Right of Way line of Route 25 as shown on Wareham Assessors Map 115;~~

~~Thence Easterly along the Northern property lines of Lots 1021 and 1024 with Route 25 as shown on Wareham Assessors Map 115;~~

~~Thence Southeasterly along the Northern property lines of Lots LC 5, LC 4A, 1051A and 1052A to the Southeastern corner of Lot 1052A with Route 28 as shown on Wareham Assessors Map 129;~~

~~Thence directly across Route 28 to the Northwest corner of Lot 1086 as shown on Wareham Assessors Map 133;~~

~~Thence Southeasterly along the Right of Ways of Route 28 and Plymouth Road with the North and Easterly property lines of Lots 1086, 1087, 1088, 1089, 1090 and 1094 to the southeastern corner of Lot 1094 as shown on Wareham Assessors Map 133;~~

~~Thence Westerly along the property line of Lots 1094 and Northerly along the Western Property line of Lot 1094 to a point 500 feet south of Route 28 as shown on Wareham Assessors Map 133;~~

~~Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Western property line of Lot 1014A as shown on Wareham Assessors Map 133;~~

~~Thence North along the western property lines of Lots 1014A and 1004 across Route 28 to the Northern Right of Way line of Route 28 as shown on Wareham Assessors Map 133;~~

~~Thence Westerly along the Northern Right of Way Line of Route 28 to the Western Corner of Lot 1022A as shown on Wareham Assessors Map 115;~~

~~Thence Northerly along the Western Property lines of Lots 1022A and 1021 to the Point of beginning.~~

~~**Article __(#8)__:**~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing the portions of land zoned MR30 and Commercial Strip to Village 1 with the following description:~~

~~Beginning at the Northwestern Corner of Lot 1025C North to the Centerline of Routes 6 and 28 (East Wareham Bypass) as shown on Wareham Assessors Map 43;~~

~~Thence Easterly along the Centerline of Route 6 and 28 (East Wareham Bypass) to the Intersection with Tyler Avenue as shown on Wareham Assessors Map 15;~~

~~Thence South along the Centerline of Tyler Avenue to the point where Tyler Avenue turns 90 degrees West as shown on Wareham Assessors Map 15;~~

~~Thence Southwesterly at an angle to the Northeastern corner of Lot 1013 as shown on Wareham Assessors Map 15;~~

~~Thence South along the Eastern property line of Lot 1013 to the Centerline of the Railroad Right of Way (Former New Haven RR) directly South of the Southeastern corner of the Lot 1013 as shown on Wareham Assessors Map 15;~~

~~Thence Westerly along the Centerline of the Railroad Right of Way (Former New Haven RR) to a point directly across from the northeastern corner of Lot 1002 as shown on Wareham Assessors Map 14;~~

~~Thence South from the Centerline of the Railroad Right of Way (Former New Haven RR) along the Eastern property line of Lot 1002 to the Centerline of Onset Avenue as shown on Wareham Assessors Map 14;~~

~~Thence Northwesterly along the Centerline of Onset Avenue to a point directly across from the Eastern corner of Lot 1013A and Onset Avenue as shown on Wareham Assessors Map 17;~~

~~Thence from the Centerline of Onset Avenue South and West along the Eastern property lines of Lot 1013A to the Southeastern corner of Lot 1013A as shown on Wareham Assessors Map 17;~~

~~Thence North to the Southeastern Corner of Lot 1012 as shown on Wareham Assessors Map 17;~~

~~Thence West along the Southern property line of Lot 1012, directly across Great Neck Road to the Southeast corner of Lot 1005 as shown on Wareham Assessors Maps 17 and 41;~~

~~Thence West and North along the Southern and Western property lines of Lots 1005, 1004B and 1003A to the Centerline of Minot Avenue as shown on Wareham Assessors Map 41;~~

~~Thence Easterly along the Centerline of Minot Avenue to a point directly across from the Southwest corner of Lot 1070C as shown on Wareham Assessors Map 43;~~

~~Thence Northwesterly along the Western property line of Lot 1070C to the Centerline of the Railroad Right of Way (Former New Haven RR) as shown on Wareham Assessors Map 43;~~

~~Thence Westerly along the Railroad Right of Way (Former New Haven RR) to a point directly across from the Southwestern Corner of Lot 1081 as shown on Wareham Assessors Map 43;~~

~~Thence North along the Western property lines of Lots 1081 and 1067 to the Agawan River as shown on Wareham Assessors Map 43;~~

~~Thence North along the Agawan River to the Point of beginning.~~

Article ~~__~~(#9A)~~__~~:

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing portions of the Industrial and Commercial Strip districts (Area bounded by Main Street, Tobey Road, Route 28 and Route 195) to Commercial Planned with the following description:~~

~~Beginning at the Southeast corner of Lot 1011 as shown on Wareham Assessors Map 85;~~

~~Thence directly South to the centerline of Main Street as shown on Wareham Assessors Map 85;~~

~~Thence Westerly Along the Centerline of Main Street to the intersection with the Centerline of Seth Tobey Road as shown on Wareham Assessors Map 85;~~

~~Thence North along the Centerline of Seth Tobey Road to the intersection with the Centerline of Route 28 as shown on Wareham Assessors Map 85;~~

~~Thence East along the Centerline of Route 28 to the Western property line of Route 195 as shown on Wareham Assessors Map 85;~~

~~Thence South along the Western property line of Route 195 to the Point of beginning;~~

~~**Article** ~~(#9B)~~:~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing land previously zoned Industrial, Commercial Strip and MR 30 to Commercial General with the following description;~~

~~Beginning at the Intersection of the Centerlines of Route 28 and Seth Tobey Road Southeasterly a distance of 500 feet as shown on Wareham Assessors Map 87;~~

~~Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Western property line of Lot 1039B2 as shown on Wareham Assessors Map 90;~~

~~Thence Northerly at an angle to the Southeastern corner of Lot 1038 as shown on Wareham Assessors Map 90;~~

~~Thence North along the Eastern property line of Lot 1038 to the Center line of Route 28 as shown on Wareham Assessors Map 90;~~

~~Thence Westerly along the Centerline of Route 28 to a point directly across from the Northeastern corner of Lot 1018 as shown on Wareham Assessors Map 90;~~

~~Thence Southwesterly to and along the eastern and southern property lines of Lot 1018 to the Southwestern corner of Lot 1018 as shown on Wareham Assessors Map 90;~~

~~Thence North along the Western property line of Lot 1018 to the Southeastern corner of Lot 1017 as shown on Wareham Assessors Map 90;~~

~~Thence Westerly along the Southern property lines of Lots 1017,1016, 1015 to the Southwestern corner of Lot 1014 as shown on Wareham Assessors Map 90;~~

~~Thence Northeasterly along the Western property line of Lot 1014 to the Center line of Route 28 as shown on Wareham Assessors Map 90;~~

~~Thence West along the Centerline of Route 28 to a point directly across from the Southeastern corner of Lot 1039 as shown on Wareham Assessors Map 105;~~

~~Thence North along the Eastern property line of Lot 1039 to a point directly across from the rear property line of Lots 1040,1041 and 1042 as shown on Wareham Assessors Map 105;~~

~~Thence Easterly along the rear property lines of Lots 1040,1041,1042, 1043A, 1043C, across Charlotte Furnace Road and the rear property line of 1046 to the Western property line of Lot 1026 as shown on Wareham Assessors Map 105;~~

~~Thence Northeasterly along the Western property line of Lot 1026 to a point 500 feet from the Centerline of Route 28 as shown on Wareham Assessors Map 105;~~

~~Thence Easterly from the western property line of Lot 1026, as shown on Wareham Assessors Map 105, by a line Parallel to and 500 feet from the Centerline of Route 28 to the Eastern property line of Lot 1004 A2 as shown on Wareham Assessors Map 108;~~

~~Thence South along the Eastern property lines of Lot 1004 A2 and 1019 to the Centerline of Route 28 as shown on Wareham Assessors Map 108;~~

~~Thence Northwesterly along the Centerline of Route 28 to the Point of beginning.~~

~~**Article** —(#10)—:~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing land previously zoned Commercial Strip to Commercial General with the following description;~~

~~Beginning at the Centerline of the intersection of Doty Street, Carver Road and Route 28 as shown on Wareham Assessors Map 103;~~

~~Thence North along the Centerline of Carver Road to the Southern Right of Way line for Route 25 as shown on Wareham Assessors Map 103;~~

~~Thence Westerly along the Southern Right of Way line of Route 25 to the Centerline of Route 58 as shown on Wareham Assessors Map 103;~~

~~Thence South along the Centerline of Route 58 across Route 28 and along the Centerline of County Road to a point directly across from the Southwest corner of Lot 1000 as shown on Wareham Assessors Map 99;~~

~~Thence Easterly along the Southern property lines Lot 1000 and Lot 1001 to the Southeastern corner of Lot 1001 as shown on Wareham Assessors Map 99;~~

~~Thence North along the Eastern property line of Lot 1001 to the Southern property line of Lot 1 as shown on Wareham Assessors Map 99;~~

~~Thence Easterly along the Southern property line of Lot 1 Across RAE Avenue at an angle to the Southeastern corner of Lot 1003 as shown on Wareham Assessors Map 99;~~

~~Thence Easterly along a line following the southern property lines of Lots 1003, 1004, 1005, 1006, 1007B, 1008, 1011 as shown on Wareham Assessors Map 99 to the Western property line of Lot 1004 as shown on Wareham Assessors Map 100;~~

~~Thence Northeasterly along the Western property line of Lot 1004 to the intersection with Lots 1008 and 1009 as shown on Wareham Assessors Map 100;~~

~~Thence South and East along the Western and Southern property lines of Lot 1008 to the Centerline of Carver Road as shown on Wareham Assessors Map 100;~~

~~Thence North along the Centerline of Carver Road to the Point of beginning.~~

~~**Article** —(#11)—:~~

~~To see if the Town will vote to amend the Wareham Zoning Map, dated _____, by changing land previously zoned Commercial Strip and MR30 (along Sandwich Road) to Wareham Village 1 with the following description;~~

~~Beginning at the Centerline of Sandwich road (Route 6) directly south of the eastern property line of Lot 1006 as shown on Wareham Assessors Map 134;~~

~~Thence North for a distance of 250 feet along the Eastern property line of Lot 1006 and 16 as shown on Wareham Assessors Map 134;~~

~~Thence Westerly by a line Parallel to and 250 feet from the Centerline of sandwich Road (Route 6) Across Avenues A an B to the present Wareham Village 1 district as shown on Wareham Assessors Map 134 and 47;~~

~~Thence Easterly along the Centerline of Sandwich Road (Route 6) to the Centerline of the Railroad Right of Way (Former New Haven Railroad) as shown on Wareham Assessors Map 45;~~

~~Thence Southeasterly along the Centerline of the Railroad Right of Way to a point directly across from the Southeastern corner of Lot 1000B as shown on Wareham Assessors Map 45;~~

~~Thence across the Railroad Right of Way and along the eastern lot line of Lot 1000B to the Centerline of Sandwich Road (Route 6) as shown on Wareham Assessors Map 45;~~

~~Thence Easterly along the Centerline of Sandwich Road (Route 6) to the Point of beginning.~~

ARTICLE 23

To see if the Town will vote to **add** the language at the end of Article 11 Signs: **“Sign Regulations for CG and CP Districts”**

The current Sign Regulations bylaw, Article 11, presents rules for regulating signs within Wareham’s zoning districts. The regulations in commercial districts are most restrictive for the village districts, limiting the number of signs to two and the size to 18 square feet. By special permit, the number and size of signs may be increased provided the signs will be consistent with the district objectives and a number of guidelines provided in Section 1113.2 (a-f). Businesses within commercial and industrial districts are permitted by right a greater number of and larger signage.

The proposed interim sign regulations, Section 1116 for the CG and CP Districts, will ensure that these commercial districts have sign regulations which at a minimum are equivalent with those of the town’s village districts. By special permit, additional signage which conforms to the standards of these commercial districts will be permitted. For the Planned Commercial (CP) District, we have suggested an additional standard to be incorporated into the conditions for granting special permit signage—see section 1116.2 (f).

These sign regulations will serve as interim rules until they are revised during a more comprehensive analysis of sign regulations for these commercial districts.

1116 Regulations for CG and CP Districts

1116.1 General Regulations

- a) 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.
- b) The Planning Board may adopt rules and regulations with more specific guidelines for these districts.

1116.2 Allowed Signs

Any premises may have one or two signs totaling not more than 18 square feet, either attached to a building or free-standing so long as the sign content exclusively refers to the establishment, services, activities, or the type of product on the premises (but not brand names), the sign does not overhang a public sidewalk, and the sign is not internally illuminated.

1116.3 Special Permit Signs

The Board of Appeals may for any premises grant a Special Permit for as many as four signs totaling as much as 60 square feet, which signs may overhang a public sidewalk, be internally illuminated and

otherwise depart from Section 1 above, provided that the Board of Appeals finds that the signs will be consistent with the District objectives and with the following guidelines:

- a) The sign principally identifies the specific local activity not standard product brand names;
- b) The sign uses placement, form and colors compatible with building design and with district objectives;
- c) The sign uses minimum wording to improve legibility;
- d) The size and number of signs is necessitated for clear communication, will not create undue clutter, and is consistent with nearby premises in relation to building size and use;
- e) Lighting is steady, stationary, shielded and directed solely at, or internal to, the sign, with brightness not inconsistent with other signs in the vicinity.
- f) Within a Planned Commercial District (CP), signs should be designed and located to reflect the planned character of the center as a whole. Sign size should relate to the size of the street and building; free standing signs should be limited to directories and directional signs.

1116.4 Directory Signs

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.

1116.5 Temporary Signs

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

1116.6 Sign Illumination

- a) Signs may be illuminated only in the following manner:
 - 1. Externally illuminated, or
 - 2. Illumination with a wall mounted backlit lettered sign.
- b) No sign shall be intermittently illuminated. Traveling lights, animated or flashing lights, or exposed neon-type signs shall not be permitted.

1116.7 Sign Suggestions

- a) Sign colors should reflect building colors.
- b) A manually-crafted sign, even if inexpert, is likely to better reflect local character than does a standard manufactured sign.

Non-verbal devices such as carved figures are especially effective.

EXPLANATION:

This interim/temporary language acts to address signage in the proposed Planned Commercial and General Commercial Districts. A new Signage By-Law is long overdue for Wareham and this interim measure will give the Town some reasonable control over these two districts that may witness an increase in commercial development activity as witnessed by current trends.

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

ARTICLE 24

To see if the Town will vote to add language to Article 7 “DESIGN STANDARDS AND GUIDELINES”

Commercial projects located in commercial districts are required by the Zoning Bylaw to undergo site plan review. The following illustrated Guidelines for the proposed new General Commercial (CG), Neighborhood Commercial (CN), and Planned Commercial (CP) Districts will facilitate this review by providing design / site planning criteria to evaluate developments. Also included are Design Guidelines for retail uses within the Industrial (I) District, and streetscape guidelines.

General principles and design criteria are illustrated for addressing lot and building dimensional controls, site access, parking, landscaping, building setbacks, facade design, and architectural building form and design. These criteria are provided to help guide the site plan review process.

Guidelines categories include the following. *Categories noted by an asterisk (*) should be included directly in the Zoning Bylaw, but are also included here to present a complete picture of the design intent for each proposed District.*

- Uses *
- Building Height *
- Max. Building Lot Coverage & Building Footprint *
- Min. Street Frontage *
- Min. Lot Size *
- Min. Lot Area / Dwelling Unit * [where applicable]
- Access, Parking And Loading Requirements
- Landscaping Requirements
- Yard Set Back Requirements *
- Façade Design / Building Entries
- Site Lighting
- Architectural Guidelines
- Stormwater / Retention Pond Guidelines

Commercial Districts: Definitions

1.0 Design Guidelines for CG / General Commercial Districts

Purpose: The Guidelines below are intended to encourage well designed moderately-sized commercial uses within proposed CG / General Commercial Districts - primarily along major roadways. Uses within such prescribed commercial districts may provide town-wide as well as local goods and services. Such commercial uses, while primarily depending upon automobile access and adequate amounts of parking, should nevertheless provide a safe and pleasant pedestrian environment within the development site. Multi-family is encouraged but only as upper floor uses in mixed-use buildings. These Guidelines are also intended to create developments that provide a pleasant visual environment as seen from adjacent roadways by eliminating large parking areas in front of buildings and screening these areas from view.

1.1 Uses: Mixed Use [Refer to Use Table in Zoning Bylaw for detail.]

- ❑ A mix of commercial, retail, and/or office uses is encouraged within the CG Commercial District. Apartments and/or offices are encouraged on upper floors above ground floor commercial uses in mixed-use buildings.

1.2 Building Height Maximum

- ❑ Max. building height: 3 floors, 42 feet.

1.3 Max. Building Lot Coverage & Building Footprint

- ❑ 40% of lot
- ❑ Max. Building Footprint: 30,000 square feet

1.4 Min. Street Lot Frontage Along Primary Frontage Road

- ❑ 150 ft.

1.5 Min. Lot Size

- ❑ 20,000 square feet

1.6 Min. Lot Area / Dwelling Unit Requirement

- ❑ 5,000 square feet of lot area / 1st dwelling unit; +
- ❑ 1,000 square feet of lot area / additional unit.

1.7 Access, Parking, and Loading Requirements

- ❑ 1.7.1 Shared curb cuts with abutters are encouraged.
- ❑ 1.7.2 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. This will reduce curb cuts onto Route 28.
- ❑ 1.7.3 Where possible, curb cuts shall be aligned with existing curb cuts on the opposite side of the adjacent primary frontage road or highway to allow 4-way intersections to be created.
- ❑ 1.7.4 Large parking areas are discouraged at the front of buildings. No more than one double-loaded bay of parking (60 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). [See 1.8.3 below.] Most parking is encouraged to be located at the side or rear of buildings.

- ❑ 1.7.5 Loading and service areas shall be located so as not to be visible from adjacent primary road(s).

1.8 Landscaping Requirements

- ❑ 1.8.1 A min. of 30% of the site must be landscaped and pervious.
- ❑ 1.8.2 One tree for every 10 cars must be planted within parking lot aisles
- ❑ 1.8.3 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.
- ❑ 1.8.4 A row of native street trees (shade-providing canopy) is encouraged to be planted 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.
- ❑ 1.8.5 Commercial uses must be buffered from adjacent residential lots by landscaping and fences.

1.9 Setbacks / Build -To Lines

- ❑ 1.9.1 Min. building front yard setback shall be 20 ft.; Max. building front yard setback shall be 80 ft.
- ❑ 1.9.2 Min. building side yard setbacks shall be 15 ft.
- ❑ 1.9.3 Min. building rear yard setbacks shall be 15 ft.
- ❑ 1.9.4 Min. distance of buildings from adjacent Residential Districts: 30 ft.

1.10 Façade Design / Building Entries

- ❑ 1.10.1 At least one building entry (ies) must be located on the front of the building facing the adjacent highway. Such entry(ies) shall be accessible by sidewalk and shall be open during all business hours.
- ❑ 1.10.2 A minimum of 30% of a commercial building façade's surface area facing adjacent primary public roads must be glazed storefronts or windows.

1.10 Site Lighting

- 1.11 All outdoor site lighting fixtures shall be of the sharp cut-off fixture type to direct all ambient lighting down to the ground rather than laterally or skyward.
- 1.11.2 Outdoor lighting lamp colors shall be warm white.

1.12 Architectural Guidelines

- ❑ 1.12.1 *Roof Forms:* Pitched or gabled roof forms are preferred.
- ❑ 1.12.2 *Roof-top Mechanicals:* Roof-top mechanical equipment shall be screened from view as seen from the road or surrounding grade level.
- ❑ 1.12.3 *Exterior Materials:* Masonry materials or wood cladding are preferred as the primary exterior façade materials. Synthetic plaster materials, fiberglass materials, or metal-clad buildings are discouraged.
- ❑ 1.12.4 *Building Façade Articulation:* Building façade planes, particularly of larger retail buildings, shall be no more than 50 ft. in length in a single continuous horizontal plane without articulation and/or setbacks. Building facades must also be articulated vertically.

2.0 Design Guidelines for CN / Neighborhood Commercial Districts

Purpose: The Guidelines below are intended to create village-like settings in Wareham's several neighborhood village centers that have the potential to become primarily pedestrian-oriented and pedestrian-friendly. Such Districts shall include small-scaled commercial uses providing goods and services for local populations in adjacent residential villages rather than regional goods and services. The CN District also encourages apartments over retail shops in mixed-use buildings. Buildings shall be of proportionately small scale and size commensurate with the provision of local goods and services to reinforce this village-like setting.

2.1 Uses: Commercial & Mixed Use [Refer to Use Table in Zoning Bylaw for detail.]

- ❑ 2.1.1 A mix of uses including local commercial, retail, office and housing is encouraged. A mix of uses, stacked vertically, shall be allowed in CN Districts (e.g. housing or small offices over retail stores).
- ❑ 2.1.2 Drive-in service commercial uses, and fast-food establishments with drive-up lanes are either prohibited or only allowed by SP.

2.2 Building Heights

- ❑ 3 floors, 42 ft. max. height.

2.3 Max. Building Lot Coverage & Footprint

- ❑ 50% of lot; (40% multifamily)
- ❑ Max. Building Footprint: 10,000 square feet

2.4 Min. Street Lot Frontage

- ❑ 50 feet.

2.5 Min. Lot Size

- ❑ 15,000 square feet

2.6 Min. Lot Area / Dwelling Unit Requirement

- ❑ 5,000 square feet of lot area / 1st dwelling unit; +
- ❑ 1,000 square feet of lot area / additional unit.

2.7 Access, Parking and Loading Requirements

- ❑ 2.7.1 Parking spaces and auto circulation drives shall not be allowed in the front yard of buildings except for curb cuts and driveways leading to parking and service areas at the rear and side of buildings.
- ❑ 2.7.2 Only one curb cut / access drive shall be allowed to each lot. Access connection at the property line shall not be wider than 24 feet.
- ❑ 2.7.3 Shared curb cuts and driveways with abutters are encouraged.
- ❑ 2.7.4 Parking is encouraged to be located at the rear of buildings (within the rear yard) but may be allowed at the sides of buildings only if sufficient parking in the rear is not feasible.
- ❑ 2.7.5 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.

2.8 Landscaping Requirements and Sidewalks

- ❑ 2.8.1 Front yards must be landscaped and surfaced with pervious materials. Up to 25% of the required front yard may include building appendages such as porticos, bay windows, porches, and stoops; or, paved patio seating areas, and/or paved walkways.
- ❑ 2.8.2 Commercial uses must be buffered from adjacent residential uses by landscaping at least 5 feet in width and fences at least 5 feet in height.
- ❑ 2.8.3 A minimum of 25% (40% multifamily) of the site must be landscaped and pervious.
- ❑ 2.8.4 Sidewalks should be provided along streets in the CN District.

Setbacks / Build-to Lines

- ❑ 2.9.1 Minimum building front yard setback: 0 feet (10 feet multifamily)
- ❑ 2.9.2 Maximum building front yard setback: 15 feet (20 feet multifamily)
- ❑ 2.9.3 Minimum building side yard setback: 15 ft.

2.10 Building Façade Design / Building Entry(ies)

- ❑ 2.10.1 At least one building entry (ies) must be located on the front of the building facing the adjacent primary road or highway. Such entry(ies) shall be accessible by sidewalk and shall be open during all business hours.
- ❑ 2.10.2 A min. of 50% of the ground floor of a commercial building façade area facing adjacent primary local streets must be glazed storefronts or windows.

2.11 Site Lighting

- ❑ 2.11.1 All outdoor site lighting shall be sharp cut-off fixtures to direct all lighting downward to the ground rather than allow ambient light to disperse laterally or skyward.
- ❑ 2.11.2 Outdoor lighting lamp colors shall be warm white.

2.12 Architectural Guidelines

- ❑ 2.12.1 *Roof Forms*: Pitched or gabled roof forms are preferred. Dormers or other articulated roof forms are encouraged.
- ❑ 2.12.2 *Rooftop Mechanicals*: Roof-top mechanical equipment shall be screened from view as seen from the adjacent road or surrounding grade level.
- ❑ 2.12.3 *Exterior Materials*: Wood cladding or masonry materials are preferred as the primary exterior façade materials. Synthetic plaster materials, fiberglass materials, or metal-clad buildings are discouraged.
- ❑ 2.12.4 *Building Façade Articulation*: Building façade planes shall be no more than 50 ft. in length in a single continuous horizontal plane without articulation and/or setbacks. Facades must also be articulated vertically.

3.0 Design Guidelines for CP / Planned Commercial

Districts

Purpose: These Guidelines are intended to encourage the well-designed redevelopment and infill of large properties into large-scale commercial or mixed-use developments within proposed CP / Planned Commercial Districts - primarily along certain major public roadways which are also near highway interchanges - that provide convenient access to

regional traffic and patronage. Such districts may also include apartments in mixed-use buildings and multi-family housing. These Guidelines are also intended to create a pleasant visual environment as seen from adjacent roadways.

Furthermore, these Guidelines are intended to encourage the redevelopment and infill of large deep-lot sites into commercial or mixed-use developments with new internal streets and more pedestrian-friendly environments. Infill development is encouraged close to the road to visually mask large parking lots in order to eliminate the appearance of “vast seas of parking” at the front of sites along major roadways.

Because many sites within the proposed CP District may be large and have considerable dimensional depth – thereby allowing buildings to be built *behind* those buildings directly fronting primary roads - traditional front yard dimensional setback and lot frontage requirements are not entirely adequate to prescribe intended outcomes for such deep-depth sites. *Therefore, the suggested dimensional Design Guidelines for the proposed CG / General Commercial District should apply to all development within 300 feet of the primary adjoining road(s). Within the site deeper than 300 feet, however, all new development lots shall have direct access to new private streets constructed internally within the larger development site. [See Section 6.0: “Internal Street & Streetscape Design Guidelines”].*

To encourage a more pedestrian-friendly environment and create a more intimate scale of development, very large one-story big box retail uses are discouraged by: a) limiting building footprint sizes, and b) recommending that internal “blocks”, bounded by internal streets, be established that do not exceed 85,000 square feet in site area (a common town center block size).

To insure that development proposals meet the above development objectives, developments within the CP District should be reviewed in accordance with a proposed Master Plan / Site Plan submitted for town site plan and design review.

3.1 Uses: Mixed Use [Refer to Use Table in Zoning Bylaw for detail.]

- ❑ A mix of commercial, retail, office and multi-family housing uses is encouraged on large infill developments sites rather than a single-purpose use. Civic and institutional uses are also encouraged - such as churches, libraries, parks, branch Post Offices, etc.

3.2 Max. Building Height

- ❑ Max. building height: 3 floors; 42 feet [within 300 feet of road]
Max. building height: 5 floors; 70 feet [beyond 300 foot site depth]. However, within 100 feet of adjacent residential neighborhoods or subdivisions, the max. building height shall not exceed 3 floors or 42 feet.

3.3 Max. Building Lot Coverage

- ❑ 40 %

3.4 Max. Building Footprint Size

- ❑ 60,000 square feet

3.5 Min. Lot Frontage Along Interior Streets

- ❑ 150 feet

3.6 Min. & Max. Lot Size

- ❑ 3.6.1 Min. Lot Size: 42,000 sf
- ❑ 3.6.2 Max. “Block” size: Individual development sites or blocks shall not exceed 85,000 sf. in size and shall be bounded by new internal streets to create such “blocks”.

Access, Parking Requirements, Parking Structures

- ❑ 3.7.1 Min. parking allowed / Commercial: 3 spaces / 1000 sf of bldg.
Max. parking allowed / Commercial: 4 spaces / 1000 sf of bldg.
Min. parking allowed / residential: 1 space / dwelling unit
Max. parking allowed / residential: 1.5 spaces / dwelling unit
- ❑ 3.7.2 Minimum parking requirements may be reduced and such reductions encouraged if a mix of uses allows shared parking between day and evening users.
- ❑ 3.7.3 Internal auto circulation aisles and pedestrian paths/sidewalks between the parking lots of property abutters along primary adjoining perimeter roads are encouraged so that vehicles and pedestrians are not required to use those adjoining primary roads to move from one adjacent property to another.
- ❑ 3.7.4 To accommodate more intensive “infill” development on presently developed sites, it may be required that a certain portion of existing surface parking lots be converted to parking decks. Such parking structures shall be designed to be architecturally compatible with new development.

3.7 New Internal Streets & Sidewalks Patterns within Deep-Depth Sites

[See Section 6.0 “Internal Street & Streetscape Design Standards”]

- ❑ 3.8.1 All lots shall either have direct access from the adjoining public road *or* private streets constructed internally within the development site.
- ❑ 3.8.2 Such new internal streets should have a minimum 60-64 foot right-of-way width. Such rights-of-way shall 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 street.
- ❑ 3.8.3 New internal streets shall link to the 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 impacts to surrounding residential streets or neighborhoods* based upon a traffic impact analysis.

3.8 Landscaping Requirements

- ❑ 3.9.1 A minimum of 30% of the site must be landscaped and pervious.
- ❑ 3.9.2 One 3 inch minimum caliper native and naturalized tree (at 3 foot height) for every 10 cars must be planted within parking aisles in parking lots. Trees must be warranted for a minimum of one year.
- ❑ 3.9.3 A landscaped buffer zone of 15 ft. must be provided along the site’s bordering public frontage road(s). No cars may be parked within the 15-ft. wide landscaped buffer. The landscaped buffer shall include a soil berm of 24 inch minimum height and be sufficiently planted so as to visually screen parked cars.
- ❑ 3.9.4 Commercial uses must be visually buffered from adjacent residential uses. Such commercial uses must be buffered by either: 1) landscape buffers no less than 20 ft. wide planted with trees, or 2) fences at least six feet in height.
- ❑ 3.9.5 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 plaza - no less than 100 feet on a side in one direction and 50 feet in the other.
- ❑ 3.9.6 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.

3.10 Front Yard Setbacks / Build-to Lines

- ❑ 3.10.1 Along public frontage road(s): front-yard set-back dimensional requirements shall be the same as in the CG / Commercial General District.
- ❑ 3.10.2 Along internal streets: front-yard set-back dimensional requirements shall be the same as in the CN / Neighborhood Commercial District.

3.11 Commercial Façade Design / Building Entries

- ❑ 3.11.1 At least one building entry(ies) must be located on the front of the building facing the adjacent primary public road or internal street. Such entry(ies) shall be accessible by sidewalk.
- ❑ 3.11.2 A min of 30% of a commercial building façade surface area facing adjacent roads or internal streets must be glazed storefronts or windows.

3.12 Site Lighting

- ❑ 3.12.1 All outdoor site lighting fixtures shall be of the sharp cut-off fixture type to direct all ambient lighting down to the ground rather than laterally or skyward.
- ❑ 3.12.2 Outdoor lighting lamp colors shall be warm white.

3.13 Architectural Guidelines

- ❑ 3.13.1 *Roof Forms:* Pitched or gabled roof forms are required.
- ❑ 3.13.2 *Rooftop Mechanicals:* Roof-top mechanical equipment shall be screened from view as seen from surrounding streets, road or surrounding grade level.
- ❑ 3.13.3 *Exterior Materials:* Masonry materials or wood cladding or simulated wood cladding are preferred as the primary exterior façade materials. Synthetic plaster materials and fiberglass materials are discouraged. Metal-clad buildings are prohibited.
- ❑ 3.13.4 *Building Façade Articulation:* Building facade planes facing adjacent roads or internal streets shall be no more than 50 ft. in length without articulation and/or setbacks.

3.14 Stormwater Retention Pond Design

- ❑ 3.14.1 *Retention Ponds* If on-site stormwater retention basins are required, they should be designed as landscaped site amenities as well as utilitarian flood control systems. [N.B.: Trees should not be planted within the pond collection area or the embankment (constructed or natural).]

4.0 Design Guidelines for Retail Uses within the I / Industrial District

Purpose: These Design Guidelines are intended to provide design criteria by which to assess proposed retail uses

within the Industrial District when they are either: 1) submitted for review and approval under the currently required Special Permit process, or 2) submitted under grandfathering provisions, if retail uses are no longer uses allowed by SP in the Zoning Bylaw's Use Table.

If retail uses are proposed for properties within an Industrial District which directly adjoin primary public roadways, then the Design Guidelines (except for use mix) for the CG / Commercial General District (Section 1.0) should apply to all portions of such properties located within 300 feet of those adjoining public roadways.

For those portions of such properties located farther than 300 feet from these public roadway , or, for properties that do not directly adjoin primary public frontage roads, proposed retail uses should be reviewed in accordance with the Design Guidelines outlined below in this Section.

Large properties within the Industrial District may require *new* internal streets (either private streets or privately-constructed streets then dedicated as public streets) to access new development within the rear of such properties, or, may be located adjacent to existing public streets internal to the industrial park sites (e.g. Kendrick Road or Patterson's Brook Road). *Such internal streets shall be designed to standards outlined in the Zoning Bylaw for Industrial Park streets.*

4.1 Use: Retail [Refer to Use Table in Zoning Bylaw for details]

- ❑ Retail uses within an Industrial District may be of the specific type defined in the Use Table of the Zoning Bylaw.

4.2 Max. Building Height

- ❑ Max. building height: 1 floor; 35 feet

4.3 Max. Building Lot Coverage & Building Footprint

- ❑ 40% of lot.
- ❑ Max. Building Footprint: 60,000 square feet

4.4 Min. Lot Frontage Along Interior Streets

- ❑ 150 feet

4.5 Min. Lot Size

- ❑ Min. Lot Size: 40,000 square feet

4.6 Access, Loading, and Parking Requirements

- ❑ 4.6.1 Loading and service areas shall be located so as not to be visible from adjacent road(s).
- ❑ 4.6.2 Shared curb cuts and driveways with abutters are encouraged.
- ❑ 4.7.1 A min. of 30% of the site must be landscaped and pervious, *not including* the required buffer areas along adjacent roadways.
- ❑ 4.7.2 One tree for every 10 cars must be planted within parking aisles in parking lots
- ❑ 4.7.3 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.

4.8 Front Yard Setbacks

- ❑ 4.8.1 Minimum Front Yard Setback (along internal streets) shall be 20 ft.; Maximum building front yard setback shall be 80 ft.

4.9 Façade Design / Building Entries

- ❑ 4.9.1 At least one building entry (ies) must be located on the front of the building facing the adjacent primary public road or internal street. Such entry(ies) shall be accessible by sidewalk and shall remain open during all business hours.
- ❑ 4.9.2 A minimum of 30% of a building façade surface area facing adjacent public roads or internal streets must be glazed.

4.10 Site Lighting

- ❑ 4.10.1 All outdoor site lighting fixtures shall be of the sharp cut-off fixture type to direct all ambient lighting down to the ground rather than laterally or skyward.
- ❑ 4.10.2 Outdoor lighting lamp colors shall be warm white.

4.11 Architectural Guidelines

- ❑ 4.11.1 *Rooftop Mechanicals:* Roof-top mechanical equipment shall be screened from view as seen from surrounding streets, roads or surrounding grade level.
- ❑ 4.11.2 *Exterior Materials:* Masonry materials are preferred as the primary exterior façade materials. Synthetic plaster materials and fiberglass materials may be considered. Metal-clad buildings are not allowed.
- ❑ 4.11.3 *Building Façade Articulation:* Building facade planes facing adjacent roads or internal streets shall be no more than 75 ft. in length without articulation and/or setbacks.

4.12 Stormwater Retention Pond Design

- ❑ 4.12.1 If on-site stormwater retention basins on large sites are required, they should be designed as landscaped site amenities as well as utilitarian drainage and flood control systems. [N.B.:Trees should not be planted within the pond collection area or the embankment (constructed or natural).]

5.0 Route 28 Right-of-Way Design Guidelines for Roadway Improvements

Purpose: The Town may wish to approach MHD / Massachusetts Highway Department to redesign portions of Route 28 adjoining commercial districts to provide greater auto and pedestrian safety and create a more pleasing visual environment. In 2005, a new MHD Project Development and Design Guide was introduced to replace the former Highway Design Manual. The new Handbook provides much greater flexibility in dimensional and landscape standards than the previous Manual. All projects in state roads will be designed in accordance with the guidance in the new Design Guide.

5.1 Suggested Route 28 Design Guidelines

- ❑ 5.1.1 Consider provision of sidewalks either within the right-of way, or, voluntarily, on adjoining private property. To achieve this, discussions with MHD /Massachusetts Highway Department must occur under the provisions of their new 2005 MHD Project Development and Design Guide.
- ❑ 5.1.2 Provide native and naturalized street trees along the length of Route 28.
- ❑ 5.1.3 Consider provision of bike lanes within road shoulders if the width of such shoulders are sufficiently wide to provide adequate safety.

6.0 Internal Street and Streetscape Design Guidelines for CP / Planned Commercial District

Purpose: As new internal streets (private or publicly-dedicated) are constructed within large deep-depth development sites, they should be designed to standards that encourage a pleasant and safe pedestrian environment.

6.1 Street Standards

- ❑ 6.1.1 Provide curbside parking lane on each side of new street adjacent to retail, office, or residential uses.
- ❑ 6.1.2 Provide sidewalks on each side of new street. Concrete or brick pavers are encouraged.
- ❑ 6.1.3 Provide native and naturalized street trees at 30 foot intervals on both sides of new streets. Street trees may either be planted within the sidewalk (leaving at least a 5 feet clear width for walking) or within a curbside grass buffer strip.
- ❑ 6.1.4 Provide sidewalk “neckdowns”at street intersections or at locations for major pedestrian crossings to slow traffic and provide safer pedestrian crossings.
- ❑ 6.1.5 Roadway width and sidewalk width shall be designed so they are eligible to be conveyed to the Town at a later date. Right-of-way shall be approximately 60 - 64 feet in width.
- ❑ 6.1.6 All sidewalks and pedestrian ramps shall be designed to meet the requirements of federal (ADA) and state accessibility requirements.

EXPLANATION:

As Wareham continues to add population, new commercial and retail businesses will follow. These proposed Design Standards for Commercial Districts and Retail Uses in Industrial Districts supplement our current Density and Dimensional Regulations and also add several new components which will add to the ability of the Town and its land use permitting Boards to guarantee that new commercial development enhances the aesthetics of these growing districts. In addition to architecturally pleasing buildings, other areas are also addressed. Landscaping, site access, setbacks, parking, internal roadway layout and site lighting are areas that this language addresses in specific terms.

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

ARTICLE 25

To see if the Town will vote to amend the Wareham Zoning Map, dated October 24, 2005 by changing the Commercial Strip #3 West Wareham or Tremont: Northwesterly by Tremont Pond; Northerly by Main Street; Easterly by lots L, T, U, S, R, a private way and Main Street as shown on plans of the Bass River Land Company situated in West Wareham; Southerly by land formerly of Alice Tobey Jones; Southwesterly by land of New York, New Haven and Hartford Railroad Company to MR30

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

ARTICLE 26

To see if the Town will vote to amend the Wareham Zoning Map dated October 24, 2005 by changing the Commercial Strip (from east of I-195 to the present boundary of Wareham Village II) to Commercial General with the following description:

Beginning at the Southwesterly corner of Lot 1001A and Route 195 as shown on the assessors Map 84.

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 Centerline of Route 28 as shown on the Assessors Map 109 and 109A.

Thence Southeasterly parallel to Route 28 at a depth of 500 feet from the Centerline to the existing R-60 district adjacent to Tihonet Road as shown on Assessors Maps 109 and 109 A.

Thence along the Centerline of Route 28 Westerly to the intersection of Tremont Road as shown on Assessors Maps 109

Thence along the existing Wareham Village II and MR-30 districts to a point more or less of the beginning as shown on Wareham Assessors Maps 83 and 84

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

ARTICLE 27

To see if the Town will vote to amend the Wareham Zoning Map, dated October 24, 2005 by changing the Commercial Strip #8, Marion Road Northwest: All of the area bounded and described as follows: Beginning at a point at the intersection of the Easterly side of Weweantic River and Northwesterly line of Marion Road;

Thence running Northeasterly and Northerly by the Northwesterly line of Marion Road to the Westerly line of Hathaway Street;

Thence turning and running Northerly by Hathaway Street to the Northeasterly corner of Lot 1010A as shown on Wareham Assessors Map 58;

Thence running to the southeasterly property line of Lot 1010A as shown on Wareham Assessors Map 58;

Thence in said line extended in a Westerly direction to Weweantic River;

Thence turning and running in a general Southwesterly and Southerly direction by the Weweantic River to the Point of beginning.

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

ARTICLE 28

To see if the Town will vote to amend the Wareham Zoning Map, dated October 24, 2005 by changing the Marine District bounded on the west by the Lazy Harbor;

Thence on the northwest by the Centerline of the Marion to Wareham 23KV Electric Transmission Line;

Thence on the Northeast by a line parallel to and 200 feet from the Centerline of Cromesett Road to the southern property line of Lot 10 as shown on Wareham Assessors Map 54;

Thence along the southern property lines of Lots 10 and 9 as shown on Wareham Assessors Map 54 to the Point of beginning to MR 30.

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

ARTICLE 29

To see if the Town will vote to amend the Wareham Zoning Map, dated October 24, 2005 by changing the Commercial Strip (from east of Parker Mill Pond to the Center line of Division Avenue) to Commercial General with the following description:

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;

Thence Easterly by a line Parallel to and 500 feet from the Center line 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;

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

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;

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

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;

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;

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;

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

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

ARTICLE 30

To see if the Town will vote to amend the Wareham Zoning Map, dated October 24, 2005 by changing the Commercial Strip (East from Besse's Brook to Lots 1021 and 1022A as shown on Wareham Assessors Map 115 and Lots 1002,1003 and 133A as shown on the Wareham Assessors Map 133) to MR 30 with the following description:

Beginning at the Northwest corner of Lot 1028 with Route 25 and Besse's Brook;

Thence Easterly along the Southern Right of Way of Route 25 to the Eastern corner of Lot 1022A as shown on Wareham Assessors Map 115;

Thence Southwesterly along the Eastern property line of Lot 1022A to the Northern Right of Way of Route 28;

Thence Easterly along the Northern Right of Way of Route 28 to a point directly across from the Northeastern corner of Lot 1003 as shown on Wareham Assessors Map 133;

Thence South across Route 28 and along the Eastern property line of Lot 1003 to a point 500 feet south of Route 28 as shown on Wareham Assessors Map 133;

Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Eastern property line of Lot 1043A as shown on Wareham Assessors Map 132;

Thence North along the Eastern property line of Lot 1043A across Route 28 to the Northern Right of Way of Route 28 as shown on Wareham Assessors Map 132;

Thence Easterly along the Northern Right of Way of Route 28 to the corner of Lot 6 and Division Avenue as shown on Wareham Assessors Map 115.

Thence North 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;

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

Thence Westerly from the rear Lot corner of Lot 9, across Willard Street and along Southern property lines of Lot 1020B and 1020A to Besse's Brook as shown on Wareham Assessors Map 115;

Thence Northerly along Besse's Brook to the Point of beginning.

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

ARTICLE 31

To see if the Town will vote to amend the Wareham Zoning Map dated October 24, 2005 by changing the Commercial Strip (from the Highway Concrete east to the intersection of Route 28, Route 25, Plymouth Road, Maple Spring Road and Santos Drive) to Commercial General with the following description:

Beginning at the Northwest corner of Lot 1021 with the Southern Right of Way line of Route 25 as shown on Wareham Assessors Map 115;

Thence Easterly along the Northern property lines of Lots 1021 and 1024 with Route 25 as shown on Wareham Assessors Map 115;

Thence Southeasterly along the Northern property lines of Lots LC 5, LC 4A, 1051A and 1052A to the Southeastern corner of Lot 1052A with Route 28 as shown on Wareham Assessors Map 129;

Thence directly across Route 28 to the Northwest corner of Lot 1086 as shown on Wareham Assessors Map 133;

Thence Southeasterly along the Right of Ways of Route 28 and Plymouth Road with the North and Easterly property lines of Lots 1086, 1087, 1088, 1089, 1090 and 1094 to the southeastern corner of Lot 1094 as shown on Wareham Assessors Map 133;

Thence Westerly along the property line of Lots 1094 and Northerly along the Western Property line of Lot 1094 to a point 500 feet south of Route 28 as shown on Wareham Assessors Map 133;

Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Western property line of Lot 1014A as shown on Wareham Assessors Map 133;

Thence North along the western property lines of Lots 1014A and 1004 across Route 28 to the Northern Right of Way line of Route 28 as shown on Wareham Assessors Map 133;

Thence Westerly along the Northern Right of Way Line of Route 28 to the Western Corner of Lot 1022A as shown on Wareham Assessors Map 115;

Thence Northerly along the Western Property lines of Lots 1022A and 1021 to the Point of beginning

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

ARTICLE 32

To see if the Town will vote to amend the Wareham Zoning Map, dated October 24, 2005 by changing the portions of land zoned MR30 and Commercial Strip to Village 1 with the following description:

Beginning at the Northwestern Corner of Lot 1025C North to the Centerline of Routes 6 and 28 (East Wareham Bypass) as shown on Wareham Assessors Map 43;

Thence Easterly along the Centerline of Route 6 and 28 (East Wareham Bypass) to the Intersection with Tyler Avenue as shown on Wareham Assessors Map 15;

Thence South along the Centerline of Tyler Avenue to the point where Tyler Avenue turns 90 degrees West as shown on Wareham Assessors Map 15;

Thence Southwesterly at an angle to the Northeastern corner of Lot 1013 as shown on Wareham Assessors Map 15;

Thence South along the Eastern property line of Lot 1013 to the Centerline of the Railroad Right of Way (Former New Haven RR) directly South of the Southeastern corner of the Lot 1013 as shown on Wareham Assessors Map 15;

Thence Westerly along the Centerline of the Railroad Right of Way (Former New Haven RR) to a point directly across from the northeastern corner of Lot 1002 as shown on Wareham Assessors Map 14;

Thence South from the Centerline of the Railroad Right of Way (Former New Haven RR) along the Eastern property line of Lot 1002 to the Centerline of Onset Avenue as shown on Wareham Assessors Map 14;

Thence Northwesterly along the Centerline of Onset Avenue to a point directly across from the Eastern corner of Lot 1013A and Onset Avenue as shown on Wareham Assessors Map 17;

Thence from the Centerline of Onset Avenue South and West along the Eastern property lines of Lot 1013A to the Southeastern corner of Lot 1013A as shown on Wareham Assessors Map 17;

Thence North to the Southeastern Corner of Lot 1012 as shown on Wareham Assessors Map 17;

Thence West along the Southern property line of Lot 1012, directly across Great Neck Road to the Southeast corner of Lot 1005 as shown on Wareham Assessors Maps 17 and 41;

Thence West and North along the Southern and Western property lines of Lots 1005, 1004B and 1003A to the Centerline of Minot Avenue as shown on Wareham Assessors Map 41;

Thence Easterly along the Centerline of Minot Avenue to a point directly across from the Southwest corner of Lot 1070C as shown on Wareham Assessors Map 43;

Thence Northwesterly along the Western property line of Lot 1070C to the Centerline of the Railroad Right of Way (Former New Haven RR) as shown on Wareham Assessors Map 43;

Thence Westerly along the Railroad Right of Way (Former New Haven RR) to a point directly across from the Southwestern Corner of Lot 1081 as shown on Wareham Assessors Map 43;

Thence North along the Western property lines of Lots 1081 and 1067 to the Agawam River as shown on Wareham Assessors Map 43;

Thence North along the Agawam River to the Point of beginning

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

ARTICLE 33

To see if the Town will vote to amend the Wareham Zoning Map, dated October 24, 2005 by changing portions of the Industrial and Commercial Strip districts (Area bounded by Main Street, Tobey Road, Route 28 and Route 195) to Commercial Planned with the following description:

Beginning at the Southeast corner of Lot 1011 as shown on Wareham Assessors Map 85;

Thence directly South to the centerline of Main Street as shown on Wareham Assessors Map 85;

Thence Westerly along the Centerline of Main Street to the intersection with the Centerline of Seth Tobey Road as shown on Wareham Assessors Map 85;

Thence North along the Centerline of Seth Tobey Road to the intersection with the Centerline of Route 28 as shown on Wareham Assessors Map 85;

Thence East along the Centerline of Route 28 to the Western property line of Route 195 as shown on Wareham Assessors Map 85;

Thence South along the Western property line of Route 195 to the Point of beginning.

EXPLANATION: See Map designation #9

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 Wareham Zoning Map, dated October 24, 2005 by changing land previously zoned Industrial, Commercial Strip and MR 30 to Commercial General with the following description;

Beginning at the Intersection of the Centerlines of Route 28 and Seth Tobey Road Southeasterly a distance of 500 feet as shown on Wareham Assessors Map 87;

Thence Westerly by a line Parallel to and 500 feet from the Centerline of Route 28 to the Western property line of Lot 1039B2 as shown on Wareham Assessors Map 90;

Thence Northerly at an angle to the Southeastern corner of Lot 1038 as shown on Wareham Assessors Map 90;

Thence North along the Eastern property line of Lot 1038 to the Center line of Route 28 as shown on Wareham Assessors Map 90;

Thence Westerly along the Centerline of Route 28 to a point directly across from the Northeastern corner of Lot 1018 as shown on Wareham Assessors Map 90;

Thence Southwesterly to and along the eastern and southern property lines of Lot 1018 to the Southwestern corner of Lot 1018 as shown on Wareham Assessors Map 90;

Thence North along the Western property line of Lot 1018 to the Southeastern corner of Lot 1017 as shown on Wareham Assessors Map 90;

Thence Westerly along the Southern property lines of Lots 1017, 1016, 1015 to the Southwestern corner of Lot 1014 as shown on Wareham Assessors Map 90;

Thence Northeasterly along the Western property line of Lot 1014 to the Center line of Route 28 as shown on Wareham Assessors Map 90;

Thence West along the Centerline of Route 28 to a point directly across from the Southeastern corner of Lot 1039 as shown on Wareham Assessors Map 105;

Thence North along the Eastern property line of Lot 1039 to a point directly across from the rear property line of Lots 1040, 1041 and 1042 as shown on Wareham Assessors Map 105;

Thence Easterly along the rear property lines of Lots 1040, 1041, 1042, 1043A, 1043C, across Charlotte Furnace Road and the rear property line of 1046 to the Western property line of Lot 1026 as shown on Wareham Assessors Map 105;

Thence Northeasterly along the Western property line of Lot 1026 to a point 500 feet from the Centerline of Route 28 as shown on Wareham Assessors Map 105;

Thence Easterly from the western property line of Lot 1026, as shown on Wareham Assessors Map 105, by a line Parallel to and 500 feet from the Centerline of Route 28 to the Eastern property line of Lot 1004 A2 as shown on Wareham Assessors Map 108;

Thence South along the Eastern property lines of Lot 1004 A2 and 1019 to the Centerline of Route 28 as shown on Wareham Assessors Map 108;

Thence Northwesterly along the Centerline of Route 28 to the Point of beginning.
EXPLANATION: See Map designation #9

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 October 24, 2005 by changing land previously zoned Commercial Strip to Commercial General with the following description;

Beginning at the Centerline of the intersection of Doty Street, Carver Road and Route 28 as shown on Wareham Assessors Map 103;

Thence North along the Centerline of Carver Road to the Southern Right of Way line for Route 25 as shown on Wareham Assessors Map 103;

Thence Westerly along the Southern Right of Way line of Route 25 to the Centerline of Route 58 as shown on Wareham Assessors Map 103;

Thence South along the Centerline of Route 58 across Route 28 and along the Centerline of County Road to a point directly across from the Southwest corner of Lot 1000 as shown on Wareham Assessors Map 99;

Thence Easterly along the Southern property lines Lot 1000 and Lot 1001 to the Southeastern corner of Lot 1001 as shown on Wareham Assessors Map 99;

Thence North along the Eastern property line of Lot 1001 to the Southern property line of Lot 1 as shown on Wareham Assessors Map 99;

Thence Easterly along the Southern property line of Lot 1 Across RAE Avenue at an angle to the Southeastern corner of Lot 1003 as shown on Wareham Assessors Map 99;

Thence Easterly along a line following the southern property lines of Lots 1003, 1004, 1005, 1006, 1007B, 1008, 1011 as shown on Wareham Assessors Map 99 to the Western property line of Lot 1004 as shown on Wareham Assessors Map 100;

Thence Northeasterly along the Western property line of Lot 1004 to the intersection with Lots 1008 and 1009 as shown on Wareham Assessors Map 100;

Thence South and East along the Western and Southern property lines of Lot 1008 to the Centerline of Carver Road as shown on Wareham Assessors Map 100;

Thence North along the Centerline of Carver Road to the Point of beginning.

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 October 24, 2005 by changing land previously zoned Commercial Strip and MR30 (along Sandwich Road) to Wareham Village 1 with the following description;

Beginning at the Centerline of Sandwich road (Route 6) directly south of the eastern property line of Lot 1006 as shown on Wareham Assessors Map 134;

Thence North for a distance of 250 feet along the Eastern property line of Lot 1006 and 16 as shown on Wareham Assessors Map 134;

Thence Westerly by a line Parallel to and 250 feet from the Centerline of Sandwich Road (Route 6) Across Avenues A and B to the present Wareham Village 1 district as shown on Wareham Assessors Map 134 and 47;

Thence Easterly along the Centerline of Sandwich Road (Route 6) to the Southern Right of Way line of Narrows Road as shown on Wareham Assessors Map 45;

Thence Southeasterly along the Southern Right of Way of Narrows Road to a point directly across from the Southeastern corner of Lot 1000B as shown on Wareham Assessors Map 45;

Thence across the Narrows Road and the Railroad Right of Way and along the eastern lot line of Lot 1000B to the Centerline of Sandwich Road (Route 6) as shown on Wareham Assessors Map 45;

Thence Easterly along the Centerline of Sandwich Road (Route 6) to the Point of beginning.

ARTICLE 37

A. The purpose of this bylaw is to encourage by special permit the use of wind energy and to minimize the impacts of wind facilities on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized.

B. Definitions.

WIND FACILITY - All equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including accessory transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower) and accessory anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

CAPACITY FACTOR - The wind turbine's actual energy output for the year divided by the energy output if the machine operated at its rated power output for the entire year.

C. Location and area requirements.

A Wind Facility may be erected by special permit subject to Environmental Design Conditions on land owned by the Town of Wareham or private landowner, which contains a minimum of five (5) acres. The SPGA (Special Permit Granting Authority) may allow more than one wind turbine if it determines that the location is favorable to the clustering of wind turbines.

D. Planning Principles and design requirements.

Unless otherwise expressly provided by this section of the bylaw all requirements of the underlying zoning district shall apply and in addition, the following design standards shall apply:

- (1) All equipment necessary to monitor and operate the wind facility should be contained within the turbine tower unless technically infeasible. In which case, ancillary equipment may be located outside the tower, provided it is contained within either an underground vault, or enclosed within a separate structure or behind a year-round landscape or vegetated buffer.
- (2) All utility connections from the wind facility site shall be underground except to the extent that underground utilities are not feasible in the determination of the SPGA. Electrical transformer for utility interconnections may be above ground if required by the utility provider.
- (3) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility.
- (4) Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure. Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties.
- (5) The wind facility shall be set back no less than a distance equal to the overall height of the wind turbine from the nearest lot line and shall be a minimum of 100 feet from any lot line. For purposes of calculating setbacks, the overall height of a wind turbine, the total height shall be measured from the average natural grade within the footprint of the supporting structure, to the uppermost extension of any blade or other part of the wind turbine.
- (6) Wind facilities shall have a maximum height of 350-feet, as measured from the natural grade to the top of the hub where the rotor attaches.

(7) Wind facilities shall be a neutral, non-reflective color designed to blend with the surrounding environment.

(8) Noise. Except during short-term events such as high windstorms or utility outages, noise from the proposed wind turbine shall not exceed 60 dBA as measured from the nearest property line. This standard may be met through a 600-foot setback from the nearest property line. Reductions may be granted by the SPGA if the applicant can demonstrate through scientific analysis that the noise levels will not exceed 60 dBA at the property line.

(9) Shadowing/Flicker. The wind facility shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

(10) Removal. The owner or his successors in interest shall remove any wind facility the use of which has been discontinued. At the time of removal, the wind facility site shall be restored to its natural state or to any other legally authorized use. All wind turbines and appurtenant structures shall also be removed. The SPGA shall require that escrow account or other suitable surety be established to ensure adequate funds are available for removal. Municipal wind facilities shall be exempt from the surety requirement. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

(11) The wind facility shall be designed to prevent unauthorized site access.

E. Administration.

For this Section of the Zoning Bylaw, the Zoning Board of Appeals shall be the special permit granting authority (SPGA). In reviewing a Wind Facility, the SPGA shall be governed by any and all special permits, environmental design conditions and procedures.

A special permit may be granted under this section if the SPGA finds that each of the design standards set forth has been met and that the location and design of the wind facility is suitable and that the size and height are the minimum necessary for that purpose.

The SPGA may impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements.

The SPGA may require the proponent to provide or pay professional consultants to evaluate the proposal to determine the acceptability of geographic location, to analyze the loading capacities of the proposed structures, and to review camouflage and screening techniques.

F. Application for Special Permit. The following information must be submitted for an application to be considered complete:

(1) A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), street landscape features, dwellings and other structures within one-hundred (100) feet of the property line.

(2) A one-inch-equals-40 feet vicinity plan, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:

a) Property lines for the subject property and all properties adjacent to the subject property within 300 feet.

- b) Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet. Distances, at grade, from the proposed wind facility to each building on the vicinity plan shall be shown.
 - c) Proposed location of the wind facility, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads.
- (3) Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wind facility.
- (4) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways,
- (5) Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the wind facility.
- (6) Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
- (7) Contours at each two feet Above Mean Sea Level (AMSL) for the subject property and adjacent properties within 300 feet.
- (8) Representation of location of viewpoint for the sight-line diagram referenced below.
- (9) Sight-lines and photographs.
- a) Sight-line representation. A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations illustrating the visibility of the facility from surrounding areas such as the closest habitable structures or nearby public roads or areas.
 - b) Existing (pre-development) photographs. A color photograph of the current view shall be submitted from at least two locations to show the existing situation.
 - c) Proposed (post development). Each of the existing-condition photographs shall have the proposed wind facility superimposed on it to accurately simulate the proposed wind facility when built and illustrate its total height, width and breadth.
- (10) Elevations. Siting elevations, or view at-grade from the north, south, east and west for a 50-foot radius around the proposed wind facility.
- (11) Materials.
- a) Manufacturer's specifications for the proposed wind facility shall be provided for all equipment and attendant facilities.
 - b) Component materials of the proposed wind facility specified by type and specific treatment.
 - c) Colors of the proposed wind facility represented by a color board showing actual colors proposed.
- (12) Landscape plan. A Landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.
- (13) Other requirements.
- a) Confirmation that the wind facility complies with all applicable Federal and State standards.
 - b) If applicable, a written statement that the proposed wind facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

ARTICLE 38

To see if the Town will amend the Town's By-law, Earth Removal Regulations, Division IV, Article III, as follows:

Replace Section 4 (a) with the following:

For all earth removal operations, a written permit must be obtained by the Board of Selectmen. An application for a permit shall be accompanied by an original plan and nine copies to the Board of Selectmen, who shall give the applicant a dated receipt. Within four business days, the Board of Selectmen shall transmit one copy of the application and plans to each of the following: The Board of Health, the Building Inspector, the Conservation Commission, Municipal Maintenance Department, the Police Chief, the Town Clerk, the Town Administrator, and the respective Water Department. Each review board or position shall review the plan and application and within twenty-one days of receipt shall signify approval or objection, in writing, to the Board of Selectmen. Along with the application, the petitioner shall pay a fee, as determined by the Board of Selectmen, to cover advertising fees and expenses.

Replace Section 4 (e) with the following:

Reports, Fees and other Conditions

1. Records showing the amount of earth removal shall be provided monthly by the permit holder, and quarterly reports, certified by a registered professional engineer, shall also be submitted to the Board of Selectmen or its designee. The method of measurement of materials removed shall be determined by the Town's engineer. The Board may require more frequent reports if it deems that circumstances warrant them. Reports to the Board by said engineer shall be at the permit holder's expense.
2. The permit holder shall be responsible for all spillage onto the public ways of the Town. If for reasons of safety, it becomes necessary for the Town to clean and remove such spillage, the cost shall be charged to the permit holder. The Town may halt all earth removal activities until such time that said expenses are reimbursed.
3. The permit holder shall be responsible for all damage to public ways from traffic occurring in connection with the permit, entering and exiting the site.
4. The Board of Selectmen shall require a bond or other security to insure compliance with its conditions of authorization unless, in a particular case, it specifically finds that such security is not warranted, and so states its decision, giving the specific reasons for its finding.
5. This permit is subject to a fee of \$0.25 per cubic yard or more, as determined by the Board of Selectmen, payable to the Town of Wareham. Any inspections by the Town's engineer to ensure that the work being done follows the approved plans shall be paid by the permit holder.
6. The Earth Removal Permit is not transferable without prior approval from the Board of Selectmen. Transfer of equity ownership or legal interest in the subject property shall be considered a transfer. The pledging of such, to secure a mortgage or other loan shall not be considered a transfer unless the lender should acquire ownership or interest by foreclosure.
7. The applicant agrees by acceptance of the permit to allow the Town or its representative free access to the site to conduct inspections to determine compliance with the conditions of the permit at any time without notice.

By adding as Section 4 (h) 5:

In the event that an earth removal project has begun without a permit, the Town's engineer shall, at the property owner's expense, determine the number of truckloads removed without a permit in order to assess the number of offenses.

By adding Section 4 (i): Validity

The invalidity of any section or provision of this section shall not invalidate any other section of provisions thereof.

Inserted by the Board of Selectmen