

Wenham Zoning Bylaw

Warrant articles adopting renumbering of the Zoning Bylaw and revisions

Article ____: To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 255 of the Code of the Town of Wenham; (b) renumbering each section and subsection of the bylaw accordingly; (c) inserting article and section titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Wenham, dated January 2020, on file with the Town Clerk, or what it will do in relation thereto.

Request of the Planning Board that the BOS place this article on the Warrant: Yes 5-0

Recommendation of the Planning Board: The Planning Board met in a public hearing on September 10, 2020 after proper notice was given in the Chronicle and Transcript on Thursday August 27, 2020 and Thursday September 3, 2020 at which time the Board voted 5-0 in favor of recommending that this article be placed on the Warrant for Fall Town Meeting 2020. The recodification and renumbering of the Zoning Bylaws will make them more consistent with other Town regulations and easier for the public to search through.

Article ____: To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Wenham, dated January 2020, on file with the Town Clerk, or what it will do in relation thereto:

- 1) References to "Board of Appeals" are amended to "Zoning Board of Appeals."
- 2) References to the Massachusetts General Laws are standardized to the format: MGL c. __, § ____.
- 3) Gender references (he, she, his, her and him) are amended to be gender neutral (they, them, their).
- 4) Specific revisions. (Note: Text that is underlined is being added; text that is struck out or in brackets is being deleted.)

Section 255-1.3 is amended as follows: "For these purposes, the placement, construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, frontage, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, ~~and~~ the location and use of buildings[,] and structures, and the use of land in the Town are regulated as hereinafter provided."

Section 255-1.4 is amended as follows: "Unless specifically exempted in this bylaw, all buildings or structures ~~hereinafter~~ hereafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning Bylaw."

The definition of "certificate of use and occupancy" in § 255-2.2 is amended to "certificate of occupancy."

The definition of "dwelling" in § 255-2.2 is amended to revise the definition of "dwelling, multifamily" to read "A dwelling with two or more dwelling units" and to delete the definition of "dwelling, two family" which read as follows: "A dwelling intended and designed to be occupied by two families independent of each other in regard to the preparation of food. A 'semidetached two-family dwelling' is a building in which the dwelling units are separated by a common wall located on the boundary between the lots provided for each dwelling unit."

Section 255-3.2D is amended as follows: "Personal Wireless Services Facility Overlay District (see § 255-12.4)."

Section 255-4.3C is amended to update the reference to 760 CMR 45.00 to 760 CMR 56.03.

Section 255-4.3F(4) is amended as follows: "Outside or inside storage accessory to the operation and conduct of a permitted use is permitted; provided, however, that:"

Section 255-4.4C(3) is amended to change "Nonconforming single- and two-family residential structures" to "Nonconforming single-family and multifamily residential structures."

Section 255-6.1 is amended to change "One- or two-family dwelling" to "Single-family or multifamily dwelling."

Section 255-7.1 is amended as follows: "The purpose and intent of this bylaw shall be to regulate, restrict and place limitations on the size, location, type and illumination of signs, as specified herein, to ensure that they are appropriate to the land, building or use to which they are ~~located~~ related, be protective of property values and the public safety and not unnecessarily detract from the historic qualities and characteristics of the Town of Wenham."

Section 255-7.3H is amended as follows: "No sign shall be posted on or attached to utility poles[,], or trees ~~nor~~ or attached to any parapet."

Section 255-10.2B is amended to correct the reference to "sections 0 and 10.2.5" to § 255-10.2D and E.

Section 255-10.2E(1) is amended to delete original Subsection (e) reading "Documentation of actual or prospective access and control of the project site" [duplicates wording in § 255-10.2E(1)(b)].

Section 255-11.1J is amended to change "single-family, two-family and multifamily residential structures" to "single-family and multifamily residential structures."

Section 255-12.1H(10) is amended as follows: "Storage or disposal of hazardous wastes, as defined by the Hazardous Waste Regulations promulgated by the ~~Hazardous Waste Board~~ Division of Hazardous Waste of the Department of Environmental Protection, the Water Resources Commission, and the Division of

Water Pollution Control under the provisions of ~~Section 27(8), 52, 57, and 58 of Chapter 21 of the Massachusetts General Laws~~ MGL c. 21, § 27(8)."

Section 255-12.1J(1) is amended to change "Highway Department" to "Department of Public Works."

Section 255-12.2F(2)(c) is amended to update the reference to the Department of Environmental Management to the Department of Environmental Protection.

Section 255-12.3I(2) is amended to correct the reference to § 12.4.15 to §§ 255-13.4 and 255-13.5.

Section 255-12.4E(6) is amended as follows: "This district consists of the parcels of property described in 'Personal Wireless Services Facility Overlay District Parcels' dated November 14, 2000, attached to and made a part of this Bylaw."

Section 255-12.4G(3) is amended as follows: "Vegetation will be maintained with respect to depth, height, density and ~~speciation~~ species according to the requirements of the SPGA."

Section 255-12.4O(2)(c) is amended to change "the agreement in Section I, below" to "the conditions in § 255-12.4S(2) below."

Section 255-12.4O(3)(f) is amended as follows: "The ~~proposed~~ locations of all existing and proposed future PWSFs in the Town on a Town-wide map for this carrier."

Section 255-13.1D is amended to change "on a lot which complies with 0" to "on a lot which complies with Article 5, Dimensional Requirements"; to change "Superintendent of Streets" in Subsection D(1) to "Director of Public Works"; and to revise Subsection D(2) as follows: "A building permit shall become void unless construction is commenced within ~~six~~ 12 months of the date of issue and completed within two years of the date of issue, unless for good cause such time shall have been extended by the Building Inspector, in writing."

Section 255-13.2A is amended as follows: "There shall be a Zoning Board of Appeals consisting of up to three ~~persons~~ members and up to three associates, citizens of the Town."

Section 255-13.6A is amended to change "applicable zoning ordinance or bylaw" to "Zoning Bylaw"; to change "ordinance or bylaw" to "bylaw"; and to change "local ordinances or bylaws" to "the Zoning Bylaw."

Request of the Planning Board that the BOS place this article on the Warrant: Yes 5-0

Recommendation of the Planning Board: The Planning Board met in a public hearing on September 10, 2020 after proper notice was given in the Chronicle and Transcript on Thursday August 27, 2020 and Thursday September 3, 2020 at which time the Board voted 5-0 in favor of recommending that this article be placed on the Warrant for Fall Town Meeting 2020. The changes made to the Zoning Bylaw are mostly grammatical and will create consistency in references as well as reflect correct grammar and punctuation throughout the document.