

VARIOUS ZONING BY-LAW AMENDMENTS

ARTICLE 5 To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning as set forth below and to act fully thereon.

Explanation: Proposed amendments include (A) sign regulations, (B) site plan authority, and (C) miscellaneous housekeeping items.

(a) For temporary, non-commercial, non-municipal signs, the Harwich Port (Doane Park) location is removed due to a concern that the only visible location is within the Route 28 right-of-way. The Route 39 water tank location also is removed. The amendment further requires the Planning Board to designate a specific site at each of the two remaining locations.

Municipal cluster signs are limited to one per property or premises unless additional signs are approved by the Planning board.

(b) The amendment to site plan review authorizes the Planning Board to waive any loading or parking design requirements without requiring an application to the Board of Appeals.

(c) Housekeeping amendments include a section reference in the Drinking Water Overlay District, timing for submission of an open space permanent restriction, and removal of an outdated form number for flexible cluster development.

(A) SIGN REGULATIONS

Amend Chapter 325 Zoning by amending Article VII. Sign Regulations, §325.29.B.(4) and (7) and §325-30.C by striking out and substituting language and renumbering subsections as set forth below:

§325.29. Additional requirements for specific signage.

B. Temporary signs on municipal property.

(4) Temporary signs may be posted in the designated municipal areas after notice has been filed with the Building Official. ~~Approved locations for siting a temporary, noncommercial, nonmunicipal sign on municipal property shall include only those specifically and physically designated five foot by 20 areas at the following locations:~~ Temporary, non-commercial, non-municipal signs on municipal property shall be permitted only at the following locations:

- ~~(a) Harwich Center. The water tank on Route 39, on the west side of the driveway entrance (closest to Thompson's Field).~~
- (a) East Harwich. The intersection of Routes 39/137, at the Fire Station 2, on the corner at the so-called "flagpole parcel".

(b) North Harwich. ~~The transfer station at the right side of the entrance on the grass strip.~~ Facing Queen Anne Road in the grass area east of the entrance to the transfer station.

~~(c) Harwichport Center.~~

~~(d) Doane Park on Route 28 on the north side of the park on Route 28.~~

(7) No temporary, noncommercial, nonmunicipal sign shall be allowed at the above-specified locations unless it satisfies the following requirements:

(a) It shall not exceed ~~three feet by three feet~~ nine square feet in size and not exceed ~~six feet~~ four feet in height.

§325-30. Additional requirements for municipal signs.

C. Permanent municipal signs shall not exceed 60 square feet for ground signs or cluster signs or 48 square feet for wall signs. Only one cluster sign shall be permitted per property or premises, unless more than one cluster sign is expressly allowed by the Planning Board.

(B) SITE PLAN AUTHORITY

Amend Chapter 325 Zoning by amending Article IX. Off-Street Parking and Loading Requirements. §325-40 and §325-42 by striking out and substituting language as set forth below:

ARTICLE IX. Off-street Parking and Loading Requirements

§ 325-40. Loading requirements

Unless otherwise expressly authorized by the Planning Board through site plan review approval, loading and unloading areas shall be provided according to this section.

Every building herein after erected, altered, enlarged, or occupied for business, industrial or institutional purposes which has over five-thousand (5,000) square feet of gross building area shall provide a minimum of one (1) area for the loading and unloading of service vehicles. Loading and unloading areas shall be provided in addition to off-street parking spaces and shall not be considered as supplying required parking spaces. One additional area shall be provided for every additional twenty thousand (20,000) square feet of gross floor area in the building. ~~Unless otherwise authorized by the Planning Board under Site Plan Review,~~ Loading and unloading areas shall be located in the rear of the building.

§325-42. Design requirements

Unless otherwise expressly authorized by the Planning Board through site plan review approval, all parking and loading areas shall be subject to the design requirements of this section.

(C) MISCELLANEOUS HOUSEKEEPING

Amend Chapter 325 Zoning by amending Article II. Definitions, §325.2 Word usage and definitions. Overlay District, by striking out and substituting language as set forth below:

ARTICLE II. Definitions

§325-2. Word usage and definitions.

Overlay District

A. Drinking Water Resource Protection District. See § ~~325-41C~~ 325-51C.

Amend Chapter 325 Zoning by amending Article X Administration and Enforcement, §325-51.E(6)(b) as set forth below:

ARTICLE X. Administration and Enforcement

§325-51. Special Permits

E. Special permits for open space residential development.

(6) Ownership of open space.

(b) Permanent restriction. In any case where open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction approved by the Board of Selectmen 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 endorsement of the definitive subdivision plan and covenant for the project and recorded at the Registry of Deeds/Land Court prior to ~~endorsement of the definitive subdivision plan~~ release of the covenant or performance guarantee for any lot.

Amend Chapter 325 Zoning by amending Article XVI Six Ponds Special District §325-101.I(1)(a)[2] and (b) by deleting and substituting the language as set forth below:

ARTICLE XVI. Six Ponds Special District

§325-101. Flexible cluster development and grid subdivision

I. Review Procedure.

(1) Submission Requirements.

- (a) [2] A properly executed ~~Form II~~ application form.
- (b) The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission of the flexible cluster or grid plan and accompanied by a copy of the completed application form (~~Form II~~).

By request of the Planning Board and the Planning Department