

SPECIAL TOWN MEETING ARTICLES 1 and 2

Town of Harwich Changes to General Bylaws

The following portions of the 2004 General Bylaws have been omitted from the new Code; these provisions will be effectively repealed when the new Code is adopted: Article II, Part 7, Board of Health; Article IV, Part 4, Fences, Hedges and Shrubs (§ 4-402 has been added to the Zoning Bylaw); Article IV, §§ 4-812 and 4-813 (these sections were duplicates of §§ 10-107 and 10-114); and Article IX, Cultural Council.

All references to the "Building Inspector" and "Building Commissioner" have been changed to "Building Official."

Chapter 1, General Provisions.

New § 1-1, General penalty, has been added to read as follows:

Whoever shall breach or violate any provision of the General Bylaws, the Zoning Bylaw, the Building Code, the Electrical Code and/or any of the rules and regulations duly adopted by any board, committee or commission of the Town of Harwich, as the same may have been amended from time to time, shall be punished by a fine of not exceeding \$300 for each offense or for each day of a continued offense, in the absence of an express provision of another penalty.

Chapter 7, Administration.

References to the "Youth and Recreation Commission" have been changed to "Recreation and Youth Commission" in § 7-11A(1)(d) and B(1)

In § 7-14A(24) the wording "\$10 for first page" has been put back in before "\$2 per additional page."

Chapter 26, Animals.

The following wording has been deleted from § 26-2A: "Any owner or keeper of a dog who moves into the Town of Harwich and has a valid dog license for his/her dog from another city or town in the commonwealth may obtain a dog license, upon forfeiture of the old license, for \$1."

In § 26-2A(2) and (5) the fee for a replacement tag has been changed from \$1 to \$5 and the late fee for a license from \$5 to \$25.

In § 26-8 \$50 has been changed to \$20 (per maximum authorized by statute).

Chapter 53, Buildings, Numbering of.

Section 53-1B has been added to read as follows:

Said number shall be four inches minimum height, of high contrast and affixed in a location to be readily readable from the private or public way on which such dwelling or building is located. If the street number cannot be read as so located, in addition, such number shall be affixed to a sign (less than one square foot) at the intersection of the private or public way on which such dwelling or building is located (same size and contrast as number affixed to dwelling or building). Four-inch numbers attached to both sides of a mailbox shall be considered an acceptable alternative to a sign, when said mailbox is located on the same side of the private or public way as the dwelling or building.

Chapter 89, Farming.

References in this chapter to the "Select Board" have been changed to "Board of Selectmen."

In § 89-5A "Zoning Enforcement Officer" has been changed to "Building Official."

Chapter 110, Gas Piping and Appliances.

In § 110-1 the wording "regulations adopted by the Board established under Section 12H of Chapter 25" has been changed to "regulations adopted by the Board of State Examiners of Plumbers and Gas Fitters."

Chapter 131, Historic Preservation.

The last sentence of § 131-1 has been revised to read as follows: "When the Commission is first established, one alternate member shall be appointed for a term of one year, two alternate members shall be appointed for a term of two years, and two alternate members shall be appointed for a term of three years, and their successors shall be appointed in like manner for terms of three years."

In §§ 131-7 and 131-14 the wording "constructed prior to 1900 A.D." has been revised to "constructed prior to 100 years before the present calendar year" for consistency with the change made to § 131-8A by Article 55 of the May 2008 Annual Town Meeting.

Chapter 164, Licenses, Permits and Fees.

In § 164-4 the wording "\$4 per unit, provided the maximum fee shall not exceed \$50" has been replaced with "as established by the Board of Selectmen from time to time."

Chapter 247, Solid Waste.

In § 247-4 the fine of \$500 has been changed to \$300 (the maximum authorized by statute).

Chapter 304, Water-Dependent Structures.

In § 304-5B(3) the application fee of \$75 has been replaced with "as set from time to time by the Board of Selectmen."

In § 304-8F the following underlined wording has been added to the last sentence: "A directional sign in compliance with the Zoning Bylaw, Chapter 325, Article VII, shall be placed indicating permission to cross the structure."

Chapter 310, Wetlands Protection.

The first sentence of § 310-3B has been revised to change "The provision of this section" to "The provisions of this bylaw" and to change "MGL c. 40, § 5, clause (36), of MGL c. 252 or any special act" to "MGL c. 252 or any special act."

Town of Harwich Changes to Zoning Bylaw

All references to the "Building Inspector" and "Building Commissioner" have been changed to "Building Official."

Chapter 325, Zoning.

All references to "one-family dwelling" have been changed to "single-family dwelling."

All references to "apartment(s) incidental to commercial" have been changed to "mixed-use development."

In § 325-1 "Zoning Enabling Act" has been changed to "Zoning Act" for consistency with the rest of the bylaw.

The following sentence has been added to the definition of "bed-and-breakfast" in § 325-2: "A bed-and-breakfast shall not be considered a home occupation." Also, the definition of "bed-and-breakfast" in § 325-92 has been revised to refer to the definition in § 325-2.

The following definition of "dormitory" has been added to § 325-2: "A building or space in a building where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges, with or without meals, but without individual cooking facilities."

The word "use" has been added after "educational" in the definitions of "educational, for-profit" and "educational, nonprofit" in § 325-2 for consistency with Table 1, which refers to "educational use."

In the definition of "inn" in § 325-2 the following sentence has been added: "Rooms are primarily accessed from within a central structure."

The words "in 1978" have been deleted following "as amended" in the definition of "lot" in § 325-2.

The definition of "parking space" in § 325-2 has been revised to change "An off-street or space" to "An off-street space" and to delete the following wording: "at least nine feet in width and 21 feet in length on its shortest side for angle parking, having an area of not less than 189 square feet, plus access and maneuvering space."

In the definition of "universal accessible parking space" in § 325-2 the wording "A parking 21 feet in length" has been changed to "A parking space 21 feet in length."

In § 325-3, the entry Residential - High Density 4 (R-H-3) has been revised to read Residential - High Density 3 (RH-3) and the following districts have been added: Residential - High Density 2 (RH-2); Village Commercial Overlay District; Harwich Center Overlay District; and Six Ponds Special District.

New § 325-14P has been added to read as follows, and a reference to this new subsection has been added in Table 1, Paragraph II, Items 7 and 8: "A personal wireless service facility may locate on any existing guyed tower or lattice tower, monopole, electric utility transmission tower, fire tower or any other tower without a special permit, subject to the requirements of § 325-59 and site plan approval."

In § 325-17 the following wording, which appeared as § 4-402 of the General Bylaws, has been added: "In order to preserve and promote the safety of the public, any fence, hedge or shrub or other growth or enclosure wall on the corner lot or curb obstructing the view of motorists and situated within 15 feet of a public street or curb or side line thereof shall not be permitted by the owner or occupant of the premises to exceed the height of three feet above road grade, and any and all trees within said fifteen-foot area (shade trees to be subject to the provisions of MGL c. 87, § 3) shall have limbs trimmed to the height of six feet above road grade."

In § 325-19A(1) the term "community facility" has been changed to "municipal use." In Table 2, the entry for "community facilities" in the R-L District has been deleted.

The following wording has been added to provide a lead-in for the definitions in §§ 325-25, 325-71, 325-84, 325-109C, 325-110A and 325-111A: "As used in this article (section), the following terms shall have the meanings indicated:"

In §§ 325-26, 325-27, 325-31, 325-32 and 325-33 "a Building Official" has been changed to "the Building Official."

In § 325-26C "Town ordinances" has been changed to "Town bylaws and regulations."

In the off-street parking schedule in § 325-39A, in the entry starting with "Lodging house," the words "cottage colony" have been deleted after "hotel."

In the table in § 325-42H the column heading "Minimum distance (feet)" has been added.

In § 325-42K the heading for the second column in the table has been changed from "Space Length" to "Space Width."

In the table in § 325-42L "(feet)" has been added after "Parking Setbacks."

In § 325-44A "use permit" has been changed to "special permit."

In § 325-48A and B the fine amounts have been changed from \$50 to \$150.

In § 325-51F the statutory reference has been updated from MGL c. 40A, §§ 2 and 9 to MGL c. 40A, § 9 and MGL c. 41, §§ 81K through 81GG.

Section 325-51I has been revised to read as follows:

Granting of a special permit for a dwelling with an accessory apartment shall be conditioned upon the owner maintaining occupancy of one of the units or provided both units are owned by a not-for-profit housing entity. Proof of ownership by the not-for-profit housing entity shall be provided at the time of application. For owner-occupied units, a certificate in the form of a notarized affidavit to verify that the owner is or will be in residence in one of the units shall be provided at the time of application. Every two years such notarized affidavit for owner-occupied units or proof of ownership for not-for-profit agencies shall be submitted to the Building Official by January 31. Failure to comply with these provisions or termination of occupancy by the owner, including not-for-profit ownership, will result in the special permit becoming null and void, and within 12 months thereafter one kitchen unit shall be removed and the property returned to a single-family dwelling.

In § 325-60A(1)(a)[2] the wording "if over five square feet, shall be painted or shielded with material which is consistent with the design features and materials of the building" has been changed to "shall conform to Subsection A(1)(c)."

In § 325-72 the wording "The following uses are permitted" has been added to create a complete sentence. Also in § 325-74 the wording "Parking standards are as follows" has been added to create a complete sentence.

In § 325-78E the words "which contain" have been added after "transparent material."

In § 325-85 the words "adopted January 21, 1997" have been deleted following the reference to the Subdivision Regulations.

In § 325-86A the wording "first come first basis" has been changed to "first come, first served basis."

In § 325-89M the words "such area or portion thereof" have been added after "whichever comes first" and "graded, replanted" has been changed to "granted and replanted."

In the definition of "building coverage" in § 325-92 the wording "a building is defined as any combination of materials, whether portable or fixed, having a roof or similar covering, to form a structure for the shelter of persons, animals or property" has been changed to "a building is defined as set forth in § 325-2."

In the definition of "municipal use" in § 325-92 the wording "Use of land, buildings and structures by the Town of Harwich" as been changed to "A municipal use as defined in § 325-2."

The definition of "religious use" in § 325-92 has been revised to reference the definition of "church or religious use" in § 325-2.

In § 325-93A and B the wording "The following uses are permitted" has been added to create complete sentences.

The title of § 325-94 has been changed from "conditional uses" to "special permit uses."

In § 325-102C(1) the wording "shall be submitted" has been added to create a complete sentence.

In § 325-106B(5) the wording "Review all subdivision proposals to assure that" has been changed to "All subdivision proposals shall be reviewed to assure that" in order to create a complete sentence.

In § 325-108 the definition of "coastal high-hazard area" has been replaced with the following:

COASTAL HIGH-HAZARD AREA -- The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.