

**PLANNING BOARD
TOWN OF WILBRAHAM**
240 Springfield Street
Wilbraham, Massachusetts 01095

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**WILBRAHAM PLANNING BOARD
PUBLIC HEARING**

In accordance with M.G.L. Chapter 40A, Section 5, the Wilbraham Planning Board will hold a Public Hearing on Wednesday, August 16, 2023 at 6:30PM in the Town Office Building, 240 Springfield Street, to give interested parties the opportunity to comment on the following proposed amendments to the Wilbraham Zoning By-Law:

- A. Change "Board of Selectmen" to "Select Board" throughout the Zoning By-Law (Sections 1.3, 12.3.2, 12.10.1, 12.10.2, 13.6.2.1, 13.6.6.1.A, 15.1.1, 15.4.2.1 & 15.6)
- B. Corrective Amendments related to Child Care Facilities and the Flood Plain Overlay District (Sections 1.3 & 2.3.2)

The complete text of the proposed amendments is available for review in the Town Clerk's Office and the Planning Office during normal business hours and posted for public viewing on the Planning Board page of the Town of Wilbraham website at www.wilbraham-ma.gov/123/Planning-Board. All persons interested or wishing to be heard on this matter are urged to attend the public hearing.

Both in person and virtual participation are available. To participate virtually go to <https://meet.goto.com/919551733> or call 877-309-2073 (Access Code: 919-551-733).

John McCloskey, Chair

For Publication: The Wilbraham-Hampden Times: July 27, 2023 & August 3, 2023



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Proposed Amendments to the Wilbraham Zoning By-Law Public Hearing – August 16, 2023

A. CHANGE “BOARD OF SELECTMEN” TO “SELECT BOARD” (SECTIONS 1.3, 12.3.2, 12.10.1, 12.10.2, 13.6.2.1, 13.6.6.1.A, 15.1.1, 15.4.2.1, and 15.6)

To amend the Wilbraham Zoning By-Law in the following manner:

Amend Sections 1.3, 12.3.2, 12.10.1, 12.10.2, 13.6.2.1, 13.6.6.1.A, 15.1.1, 15.4.2.1, and 15.6 by deleting “Board of Selectmen” and replacing with “Select Board.”

Explanation: Wilbraham voters changed the name of the Board of Selectmen to Select Board at the May 15, 2023 Annual Town Meeting (Article 50). The Zoning By-Law is being updated to reflect this change.

Note: A marked-up version of the Sections listed above as amended is shown in Exhibit 1 on page 2.

Exhibit 1
Marked Up Version of the Proposed Amendments to Multiple Sections to change “Board of Selectmen” to “Select Board”

Section 1.3 (Definitions)

Special Permit. A special permit is the permit granted by the Planning Board, the Board of Appeals or the Board of Selectmen Select Board acting as the Special Permit Granting Authority as hereinafter provided.

Special Permit Granting Authority. Special Permit Granting Authority shall mean the Board of Selectmen Select Board, Planning Board or the Board of Appeals as specified herein.

Section 12.3.2 (Prohibited Signs)

- I. No sign shall be placed on Town property or within the right-of-way of the Town without approval from the Board of Selectmen Select Board.

Section 12.10 (Off-Premises Signs)

12.10.1 Street Banner Signs

A Banner Sign may be placed above or across a public way with the written permission of the Board of Selectmen Select Board upon such terms and conditions as the Board shall determine.

12.10.2 Identification Signs on Town Property

An Identification Sign may be erected and maintained on Town owned land in any district with the written permission of the Board of Selectmen Select Board upon such terms and conditions as the Board shall determine.

Section 13.6.2 (Special Permit Granting Authorities)

- 13.6.2.1 The Special Permit Granting Authority shall be either the Planning Board, the Board of Appeals, or the Board of Selectmen Select Board of the Town of Wilbraham as specified herein.

Section 13.6.6 (Granting of Special Permits)

- 13.6.6.1 The granting of special permits shall be completely discretionary with the Special Permit Granting Authority.
 - A. The Board of Appeals or Board of Selectmen Select Board, when acting as the Special Permit Granting Authority, shall, in order to render a favorable decision, have three (3) of the three (3) members voting affirmatively.

Section 15.1 (Enforcement Authority)

- 15.1.1 This By-Law shall be enforced by the Building Inspector who shall be appointed by the Board of Selectmen Select Board.

Section 15.4 (Planning Board)

- 15.4.2.1 The associate member shall be nominated by the Planning Board and appointed by majority vote of the Planning Board and the Board of Selectmen Select Board in accordance with the provisions of Chapter 41, Section 81-A of the General Laws of the Commonwealth.

Section 15.6 (Amendment)

This Zoning By-Law may be amended from time to time at an Annual or Special Town Meeting in accordance with the provisions of Section 5 of Chapter 40A of the General Laws, as amended.

A proposed amendment to the By-Law may be initiated by the Board of Selectmen Select Board, the Planning Board, the Board of Appeals, the Pioneer Valley Planning Commission, individuals owning land to be affected by the amendment, or registered voters of the Town pursuant to Section 10 of Chapter 39 of the General Laws.

B. CORRECTIVE AMENDMENTS TO SECTIONS 1.3 AND 2.3.2.

To amend the Wilbraham Zoning By-Law in the following manner:

- 1. Amend Section 1.3 (Definitions), by amending the definition of Child Care Facility as shown below:**

Child Care Facility.* Centers which provide day care or school age programs as defined in ~~Section 9 of Chapter 28A~~ Section 1A of Chapter 15D of the General Laws of the Commonwealth of Massachusetts.

Explanation: *The entirety of Chapter 28A was repealed in 2008. Child Care Facility is now defined in Section 1A of Chapter 15D.*

- 2. Amend Section 2.3 (Zoning Map), by amending subsection 2.3.2 as shown below:**

2.3.2* The Flood Plain Overlay District as defined on maps described in Section ~~9.1.3~~ 9.1.4 and the Ridgeline and Hillside Overlay District as described in Section 9.3.3 are incorporated herein by reference as part of the official Zoning Map.

Explanation: *When Section 9.1 was amended on May 16, 2022 (Article 29) subsection 9.1.3 was re-numbered as 9.1.4, but the cross-reference wasn't updated in Section 2.3.2*