



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642
All Departments 508-240-5900
www.eastham-ma.gov

Name of Committee that is Meeting: Planning Board

Date and Time of Meeting: Wednesday, March 15, 2023 at 3:00 pm

Location of the Meeting: Eastham Town Hall, 2500 State Highway, Earle Mountain Room

This meeting/hearing will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting.

Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.

Remote Participation Information for Meeting

To join the meeting via Zoom, either use this link to the meeting:

<https://us02web.zoom.us/j/87474058357?pwd=QkhXUkx2ankyeHITZ0VPaVIIV3Q4Zz09>

OR

Go to <https://zoom.us/join>, and if necessary, download the Zoom app. Once you are in Zoom, enter the meeting ID number 874 7405 8357 , hit enter, then enter the password 337096.

To join the meeting by phone, call 1-646-558-8656, then enter the meeting ID # 874 7405 8357

One tap mobile: +19292056099,,87474058357#,,, *337096# US (New York)

The meeting will be live broadcast on local access channel 18, and live streaming on the Town Website

<https://www.eastham-ma.gov/home/pages/channel-18>

MEETING AGENDA FOLLOWS

**EASTHAM PLANNING BOARD
PUBLIC HEARING AGENDA**

Earle Mountain Room
March 15, 2023, 3:00 PM

Pursuant to the provisions of Massachusetts General Laws, c.40A §5, the Eastham Planning Board will hold a Public Hearing on Wednesday March 15, 2023 at 3:00 PM. at the Eastham Town Hall Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, to take public comments on proposed amendments to the Eastham Zoning Bylaw:

The full text of all of the proposed amendments can be found at <https://www.eastham-ma.gov/planning-board/pages/proposed-zoning-amendments-2023> and is available at the Eastham Town Hall Planning Department 2500 State Highway, Eastham, MA during regular business hours Monday, Tuesday, Thursday 8:00 AM - 4:00 PM. Written comments may be submitted to the Town Planner, Paul Lagg, at plagg@eastham-ma.gov by 2:00 PM on March 15, 2023. An option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in person attendance.

1. Opening Statements.
2. Article__: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 4.4 Non-Conforming Uses by adding additional language to the Zoning Board of Appeals review criteria. The proposed amendments include language on Prevailing Character of the Neighborhood, Height and Scale, Massing, Building Materials, Setbacks and Vehicular and Pedestrian safety. The bylaw amendments are intended to improve the special permit process by providing specific language to the review criteria to help clarify the expectations of regulatory review and reduce the subjectivity of the current criteria.
3. Article__: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 6 Prohibited Uses by adding a new Subsection 6.11 - Clear Cutting. The amendment would prohibit clear cutting of undeveloped property without a valid foundation or building permit. The amendment would also prohibit the removal of “Legacy Trees” defined as a native, introduced or naturalized tree which is 24 inches in Diameter at Breast Height (DBH) or larger, or multi stemmed trees with a combined DBH equal to or greater than 24 inches without approval by the Eastham Planning Board or its designee. The amendment would also prohibit clear cutting of existing vegetation and/or legacy trees within a six-foot wide perimeter of a property line without approval by the Eastham Planning Board or its designee. The amendment would also require re-vegetation of clear-cut areas in the event that permitted site work is abandoned. The amendment includes specific exemptions related to certain land uses, routine property maintenance, and maintenance of public and private streets, public safety exemptions, maintenance of public utilities, pre-development activities and installation of solar power utilities under applicable state building and energy codes. The bylaw amendments are intended to encourage the preservation and protection of trees during demolition and construction activity. To balance the rights of individual property owners to develop their properties in accordance with existing local and State laws with the public good of the overall health, safety and welfare interests of the community.

4. Article __: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 7.2 Setbacks, subsection 7.2.5 – Detached Accessory Buildings and Structures to require a minimum 12 foot setback from side and rear property lines and a 30 foot setback from any street or way for in-ground and above ground pools, including surrounding deck/patio areas and paved courts used for recreational purposes. The amendment would also remove the setback requiring a minimum 8 foot separation between all buildings. And to further amend Section 7.2 Setbacks by adding a new subsection 7.2.6 – Perimeter Vegetation. The amendment would include the following language: An area not less than six (6) feet in width measured from and perpendicular to the lot line around the perimeter of the lot shall be landscaped with grass, trees, shrubs or other plants. Portions of this area may be paved for pedestrian and vehicular access but at no time shall the pedestrian and/or vehicular access be located within 6 feet of the side property lines.

5. Article __: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 7.4 Residential Lot Intensity by adding new language implementing development and site coverage standards. The proposed amendments include the following: Amend subsection 7.4.1 to add a new “Purpose” section explaining the intent of the proposed development standards, amend subsection 7.4.2 as “Residential Development Standards” explaining the zoning districts in which the proposed standards will apply. Add a new subsection 7.4.2.1 “Site Coverage Standards” which will result in maximum site coverage and building gross floor area limits for residential development based on lot size and ranging between 11% - 20% site coverage with corresponding maximum gross floor areas ranging between 1,500 sf. and a maximum of 6,000 sf. Proposed language includes site coverage standards for conforming structures and for pre-existing non-conforming structures, which may expand within the site coverage standards to the maximum site coverage percentage of the structures existing gross floor area. The proposed amendment will further amend subsection 7.4.3 as “Regulatory Review Requirements” adding a new subsection 7.4.3.1 Site Plan Approval – Residential. Subsection 7.4.3 will be amended to include new language for the site plan review thresholds for lots under 10,000 sf. to require review when a proposed addition or expansion of an existing dwelling exceeds 2.5% of the lot area and/or the site coverage ratio including the addition is equal to or greater than 15% and where the site coverage ratio for a new dwelling or the addition of an accessory building causes the site coverage ratio to be equal to or greater than 15% of the lot area. Subsection 7.4.4 will be amended to include new language for the site plan review thresholds for lots between 10,000 sf. and 19,999 sf. to require review when a proposed addition or expansion of an existing dwelling exceeds 2.5% of the lot area and/or the site coverage ratio including the addition is equal to exceeds 15% and where the site coverage ratio for a new dwelling or the addition of an accessory building causes the site coverage ratio to be equal to exceed 15% of the lot area and/or equal to or greater than 2,000 square feet. New subsections 7.4.10, 7.4.10.1 and 7.4.10.2 are proposed to include new language assigning the Zoning Board of Appeals as the granting authority for Site Plan Approval Special Permit and Site Plan Approval Variance. All subsections under Section 7.4 will be re-numbered to correspond to the proposed amendments. The intent of the proposed amendments is to ensure that residential development is designed in a manner that does not overwhelm Eastham’s distinctive character as a rural seaside community; does not detract from its geographic diversity, its sensitive environment; is built in harmony with past development practices with regard to mass, scale, height, bulk, site coverage and which preserves the historical development patterns and character of the town in a manner consistent with the principles of Eastham’s Strategic Plan. The proposed amendment includes The effective date of May 6, 2023. Exempting the proposed bylaw requirements from projects submitted to the Eastham Planning Board and stamped by the Eastham Town Clerk prior to May 6, 2023.

6. Article__: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 7 Intensity Regulations, subsection 7.7.4 Provision of Affordable Units by changing the percent of affordable/work force units for a development of 16 units from 24% to 19%. The intent of the proposed amendment is to fix a clerical error in the development table in order for the percentages to align correctly with the rest of the numbers listed in the table.
7. Article__: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 10 Site Plan Approval, subsection 10.1.4 Procedures for Site Plan Review by adding a new subsection 10.1.6 – Perimeter Vegetation by adding the following language: Clear cutting of vegetation within the six (6) foot perimeter vegetation setback, where removal of vegetation is not subject to any other regulatory review may be approved by the Planning Board or its designee without a public hearing provided that abutters sharing a common lot line have been notified of proposed site work no less than fourteen (14) days prior to the date of approval, and no abutter has requested a public hearing. In making its determination, the Planning Board or its designee shall utilize applicable sections of zoning bylaw Section 10 Site Plan Approval.
8. Article__: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 10 Site Plan Approval, subsection 10.3.2 Standards and Criteria by additional language to the Planning Board review criteria. The proposed amendments include language on Landscaping Requirements, Prevailing Character of the Neighborhood, Height and Scale, Massing, Building Materials, Lighting, Architectural Techniques, Unique Physical Features and Sensitive Habitats, Environmental Impacts, Vehicular and Pedestrian safety. The proposed amendments will also alter the text of review criteria in subsection 10.3.2.3 to make the language consistent with the proposed amendments. The bylaw amendments are intended to improve the site plan review process by providing specific language to the review criteria to help clarify the expectations of regulatory review and reduce the subjectivity of the current criteria.
9. Article__: To see if the Town will vote to amend the Eastham Zoning Bylaw Section 21 – Definitions by inserting new definitions for the following terms: Clear Cutting, Diameter at Breast Height, Hazardous Tree, Invasive Species, Legacy Tree, Neighborhood, Replacement Tree, Understory Vegetation and to amend current definitions of the following terms: Buildable Upland, Lot Area Requirements, Significant Building, Site Coverage, Site Coverage Ratio and to delete the definition for Lot Area.

10. Adjournment