

Eastham's "Residential Site Plan Approval" Bylaw Guidance Document

Introduction

In response to the growing phenomenon of existing small scale seasonal homes being converted to larger year round homes and the associated concern of the potential negative impact on community character, Section XIV Site Plan Approval – Residential was approved by Special Town Meeting in June on 2001. This bylaw responds to community concern about the construction and renovation of homes and accessory buildings that are out of scale with their surrounding neighborhood.

The stated purpose of the Section XIV is as follows:

“The purpose of Site Plan Approval for residential properties is for the rational protection of the legitimate interest of the adjoining property owners; to encourage construction that is reasonably sensitive to the scale, size and massing of buildings; to afford continued public visual access to ponds, rivers, marshes, the ocean and the bay; and to protect environmental needs and concerns of the Town.”

Specifically, the goal of the bylaw is to ensure that new construction, in excess of the applicable thresholds specified in Section IX(D) of the Zoning By-laws, shall be developed in a manner that is in harmony and scale with other structures in its immediate vicinity and to preserve the character of existing neighborhoods. The character of a neighborhood is typically defined by its natural landscape features, existing dwellings and accessory buildings in the area. To achieve the goal of the bylaw the Planning Board is required to review Residential Site Plans for all proposed new structures and renovations of existing structures above applicable thresholds by holding a public hearing and receiving public comment (if any).

The goal of this guidance document is to: explain projects the bylaw applies to and how to calculate the Site Coverage or Site Coverage Ratio of current and, or, proposed houses under the bylaw; describe what the Planning Board would like to see included in a site plan submittal; describe what the Planning Board is looking for in its site plan review considerations; describe the administrative procedures by which the bylaw is implemented and enforced; and describe the process applicable to non-conforming properties under the bylaw.

In the sections below, the text found in quotes and italics comes directly from the Eastham Zoning By-laws, which can be found at www.eastham-ma.gov or the Planning Department Office. Sections pertinent to the Residential Site Plan Approval process include: Section III (definitions), Section IX (review thresholds), Section XIII (plan requirements) and Section XIV (procedures and criteria).

Applicability/Review Thresholds

When the review thresholds for residential development projects under Section IX(D) are met, the requirements of Section XIV – Site Plan Approval - Residential (hereinafter referred to as Residential Site Plan Approval) are applicable. The threshold parameters, Site Coverage and Site Coverage Ratio are defined in Section III of the Zoning By-laws as follows:

SITE COVERAGE – The sum of the gross horizontal area of the floors of a dwelling including the square footage of any permanently roofed accessory structures such as sheds, garages, screen porches and covered decks but excluding unfinished attic areas, unfinished basement areas, and farmer’s porches.

SITE COVERAGE RATIO – The ratio of the total gross area of Site Coverage on one lot to the gross area of the lot.

The following exemptions apply from calculating a property’s Site Coverage: “*unfinished attic areas, unfinished basement areas, and farmer’s porches*”. A farmer’s porch is defined under Section III as a “*...covered deck which on the front elevation is no greater than 10 feet in depth and one-story high*”.

Residential Site Plan Approval under Section XIV of the Zoning By-law is required for any addition, expansion or construction on a residential lot that meets the requirements of Section IX(D) as follows:

- 1. Any lot under 20,000 square feet where 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 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 exceed 15% of the lot area.*
- 2. Any lot containing 20,000 square feet or more, where the site coverage exceeds 3,000 square feet.*
- 3. Any lot containing 40,000 square feet or more with a deed restricted two-family dwelling proposed in accordance with Section IX, paragraph A., number 2 of this By-laws.*
- 4. Any proposed addition to or expansion of an existing dwelling or accessory structure in District F: Seashore District must submit an application to the Eastham Planning Board under Section XIV – Site Plan Approval – Residential, if the addition or expansion exceeds 200 square feet.*
- 5. Any project resulting in an increase of 200 square feet or less of site coverage, as defined in Section III of the Eastham Zoning Bylaw, shall be exempt from Site Plan Approval – Residential. No more than one (1) exemption shall be granted within a five (5) year period.*

Before property owners take the next step of filing a complete application with the Planning Board, they are urged to confirm their applicability under the By-law with the Building Inspector or Town Planner. The Planning Board has developed a Site Coverage Calculation Worksheet to assist in completing the calculation to determine applicability. If a project does exceed the

Residential Site Plan Approval review thresholds, scheduling a preliminary meeting with the Planning Board is highly encouraged.

Preliminary Meeting

To more efficiently implement Residential Site Plan Approval, the Planning Board highly encourages a preliminary meeting early in the design phase of a project prior to a formal public hearing. The objective of the preliminary meeting is for the applicant and the Board to work through the site plan considerations identified in Section XIV(E) of the Zoning By-laws. If successful, the preliminary meeting should expedite the approval process for the applicant and facilitate the fulfillment of the Planning Board's responsibilities under the bylaw.

Such pre-application review and any results or information obtained from it may not be appealed and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project.

Described below are two levels of site information the Planning Board encourages an applicant bring to the preliminary meeting. These materials are intended to provide Planning Board members with an understanding of the existing site and the proposed development activities. Please, do not expend time and resources preparing formal materials that may be unnecessary or need revision. At the time of the preliminary meeting, it is the Planning Board's desire to only have the site plan information referenced below available for discussion.

Projects Not Involving New Foundation Work

For projects not requiring any new foundation work (e.g., dormer or renovation of an existing structure) the following materials are appropriate to bring to the preliminary meeting: sketches of elevations for the proposed dwelling, recent photographs of existing site conditions, view of site from the street, view of properties surrounding the site; and houses on the immediate abutting properties, across the street and one lot beyond on all sides. General ideas for landscape plan, including any contemplated clearing and grading are also help.

Projects Involving New Foundation Work

For projects requiring new foundation work, all the above materials and following site plan information is appropriate to bring to the preliminary meeting: Site plan with existing dwelling, proposed construction, all accessory structures, driveway; significant natural features.

Information Sources

Applicants can find information and scaled drawings from which they can put together a conceptual Residential Site Plan at: the Town's Building Department (plot plan, septic system plan), the Board of Assessors Office (assessors map), the Conservation Commission (wetland map) and personal papers (mortgage survey plan).

Scheduling a Meeting

The Planning Board meets the third Wednesday of every month, starting at 5:00 pm. Contact the Town Planner to get on a meeting agenda.

Site Plan Submittal

After a preliminary meeting with the Planning Board and/or determination that a project needs Residential Site Plan Approval, Section XIV(C) of the Zoning By-laws establish the required site plan contents:

“All site plans submitted under this section shall be in accordance with SECTION XIII (F) 1, 2 A-K of this by-law. The Planning Board shall have the right upon good cause to waive all or part of any of the above site plan content requirements.”

The Section XIII (F) 1, 2 A-K site plan requirements are as follows:

1. *All site plans shall be prepared by a Registered Professional Land Surveyor or Registered Professional Civil Engineer or both if required.*
2. *All site plans shall be on standard 11" x 17" sheets, and each sheet shall be prepared at a defined scale suitable for the content of the topic covered on the sheet and shall include the following:*
 - a. *The location and boundaries of the lot, adjacent street/ways and a list showing names and addresses of direct abutters and abutters to the abutters within 300 feet,*
 - b. *Existing and proposed topography showing 2 foot contours showing “benchmark” used and significant land features, natural and man made, including, but not limited to, the location of wetlands, streams, bodies of water, drainage swales and areas subject to flooding,*
 - c. *Existing and proposed structures, including dimensions and all elevations,*
 - d. *The existing and proposed location of loading areas, driveways, walkways, access and egress points, and the location and number of parking spaces.*
 - e. *The location and description of all proposed on site wells, water supply systems, storm drainage systems, utilities, sites for enclosed refuse containers and location and capacity of septic systems,*
 - f. *Proposed landscape plan showing the location and description of screening, fencing, plantings, significant trees and finished grade contours,*
 - g. *The location and description of existing signs (a photograph will do) and the location and a sketch of proposed signs,*
 - h. *The location and description of existing and proposed open space or recreation areas,*
 - i. *A lighting plan showing existing and proposed exterior lighting, including building and ground lighting.*
 - j. *A plan for the control of erosion if applicable, and*
 - k. *A traffic study if required by the Planning Board.*

Before submission of a site plan review application, a building permit application must be filed with the Building Inspector to issue a Denial Letter indicating Residential Site Plan approval is required prior to issuance of a building permit for the project. After being deemed complete

with denial, the site plan review application package is submitted to the Town Planner for a completeness review.

At the hearing The Planning Board may, in its discretion, waive any portions of the submission requirements and/or request additional information necessary to render a decision.

As important as the Residential Site Plan Approval and public review process is, of equal importance is that neighbors talk to each other about their plans. While not a requirement, the Planning Board strongly encourages neighborly communication and will inquire during the review process whether such conversations have occurred.

Site Plan Considerations

The Eastham Zoning By-laws requires that the Planning Board take into account the six (6) Standards and Criteria established in Section XIV(E) of the Zoning By-laws when reviewing projects requiring Residential Site Plan Approval. Section XIV(E) states *“The Planning Board shall approve a site plan in the form submitted or with such reasonable conditions relating to the standards and criteria delineated...”*

The Standards and Criteria are as follows:

Preservation of Landscape: *“The landscape shall be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes and the removal of native vegetation and soil.”* Section XIV(E)(1)

Design Goal: Promote thoughtful clearing of the land’s vegetation and changing of its natural topography. A successful proposal in this regard will consider a property’s existing plants and physical features.

Relation to Neighborhood: *“The proposed development shall relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.”* Section XIV(E)(2)

Design Goal: Promote the consideration of scale and proportion of new construction or redevelopment, relative to its surrounding natural and built environment. A successful proposal in this respect would use creative siting and architectural techniques to retain both a neighborhood sense of scale and proportion, as well as a sense of scale and proportion with the site itself.

Character and Materials: *“Proposed development shall be in harmony with the prevailing character height and scale of other buildings in the neighborhood and the Town through the use of appropriate scale, massing building materials, screening, lighting and other architectural techniques.”* Section XIV(E)(3)

Design Goal: Encourage consideration of creative architectural, landscaping and exterior lighting techniques which achieve harmony with surrounding properties and at the same time, provide visual interest. In regard to exterior lighting techniques, it is also a goal of the Planning Board under this section to minimize "light pollution" through the use of shrouded fixtures and ground lights.

Special Features: *“Proposed building sites shall avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.”* Section XIV(E)(4)

Design Goal: Consideration of site specific and neighborhood special features in project design as Eastham’s natural character is defined by its areas of unique physical features and sensitive habitats resulting in aesthetically pleasing landscapes and views.

Water Quality: *“The protection of unique or significant environmental resources including protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies.”* Section XIV(E)(5)

Design Goal: Encourage development that promotes the protection and maintenance of groundwater quality and recharge volume as Eastham residents are solely dependent upon individual drinking wells and septic systems. Additionally, the preservation of water quality of the Town’s surface water bodies is essential for maintaining wildlife habitat, recreational opportunities, tourism economy and overall quality of life.

Circulation: *“The site plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.”* Section XIV(E)(6)

Design Goal: The goal of this section is to promote thoughtful siting and construction of driveways onto ways which will result in the preservation of a site’s natural screening materials (trees, bushes and shrubs) and terrain. A successful site plan in this regard would use creative siting, construction and landscaping techniques and materials to preserve as much of a site’s natural features as possible. The Planning Board does not encourage multiple curb cuts to residential lots.

Design Techniques

Creative techniques that can help meet the intent of the by-law include:

Site/Landscape Design

- Where possible, save existing trees; avoid clear cutting and extensive "limbing".
- Avoid siting on the highest part of the property.
- Orient the short dimension of the structure toward the street.
- Orient garage doors away from the street.
- Avoid straight entrance driveways.
- Use evergreen buffers.
- Use native plant materials.
- Consider existing public visual access to ponds, rivers, marshes, the ocean and the bay.

Architectural Design

- Use one story instead of two or more.
- Set back the upper floor, thereby lowering the roof eave line.
- Use dormers.
- Use large overhangs and porches to create shadows that help reduce the building scale.
- Reduce building bulk by introducing smaller scale elements and forms.
- Use interconnected building elements to appear smaller than a single mass of the same volume.
- Build a free-standing garage.
- Use shielded or low shrouded exterior light fixtures to minimize glare. Avoid flood lighting.

Construction/Building Materials

- Use materials consistent with those found in the neighborhood.
- Use earth tone colors.
- Use dark, heavily textured pitched roof materials.
- Use pervious materials instead of pavement for driveways.

Administrative Procedures

Application

The Planning Board requires applicants to provide ten (10) copies of a completed application and supporting documentation no later than the filing deadline posted to be placed on the appropriate agenda (please refer to the schedule posted in the Planning Department). The lead time is required to process the application and circulate to Town departments for comments. These submittal documents are also for the abutters and interested individuals to review at their convenience prior to the public hearing. Failure to provide required documents is a basis for the Planning Board to continue a public hearing.

Public Hearing

In accordance with Section XIV, a minimum of two weeks before the hearing, the Planning Board will run a public notice in the newspaper (typically the *Cape Codder*). The Applicant is also responsible for the costs of a certified abutter list and mailing (certified/return receipt requested). Complete abutter notification needs to occur a minimum of seven (7) day priors to the scheduled hearing. The seven (7) days is calculated from the date of mailing. Failure to properly notify abutters will require meeting postponement for one (1) month to ensure proper notification. The Planning Board has the authority to require any additional materials or information it deems necessary to effectively implement the bylaw.

At the hearing the Applicant or their representative shall make a presentation to the Planning Board describing the request. The Planning Board may ask questions of the Applicant on the proposal. The Chairman will ask for public comments from the hearing audience. The Planning Board will close the public hearing and make a motion for one of the following actions: approve

the site plan as submitted; approve the site plan as submitted with conditions; or disapprove the site plan.

Final Action

Upon final action on the site plan, the Planning Board needs to file a record of its Decision with the Town Clerk and Building Inspector within fourteen (14) days. Subsequent to the filing with the Town Clerk a ten (10) day appeal period commences. If an appeal is filed, it needs to be filed with the Zoning Board of Appeals in accordance with Section XIV(G). After clearance of all appeal periods, approved site plans become part of the public record and the Building Inspector issues a building permit to the property owner. Compliance with the approved site plan will be determined by the Building Inspector, prior to issuing the property's Certificate of Occupancy.

Non-Conforming Properties Subject to the Bylaw

Owners proposing projects to alter pre-existing non-conforming structures which also exceed Site Plan Review Residential thresholds are required to obtain both Residential Site Plan Approval from the Planning Board (Section XIV) and a Special Permit from the Zoning Board of Appeals (Section VI) relative to the non-conforming nature of their property. Both the Planning Board's and Zoning Board of Appeals' approval processes require a public hearing, which are held separately. The Planning Board and Zoning Board of Appeals recommend that property owners, who fall into this category, obtain a Special Permit from the Zoning Board of Appeals to determine if they can alter their pre-existing non-conforming structures prior to seeking Residential Site Plan Approval from the Planning Board.

Other Town Approvals

Applicants should obtain other related land development approvals including but not limited to: Board of Health, Conservation Commission and/or Historical Commission. Due to the complexities in developing and redeveloping properties, it is important to understand site planning ramifications of any necessary approvals for the proposed project from and early coordination is highly recommended for a smoother review process.

Site Coverage / Site Coverage Ratio Calculation Examples

Example 1 – Addition to Existing Dwelling - Lot Less than 20,000 Square Feet

12,000 square foot lot with an existing dwelling.

Existing Site Coverage Calculation:

- Basement = 500 square feet (walkout with area devoted to residential use)
- First Floor = 1000 square feet of living area

Existing Site Coverage = 1,500 square feet (includes basement area devoted to residential use)

Existing Site Coverage Ratio = 0.125 (1,500 ÷ 12,000)

Proposed New Site Coverage

In this example, since the lot area is less than 20,000 square feet with an existing dwelling, two review thresholds for Residential Site Plan Approval exists (Section IX(D)(1)). Projects exceeding 2.5% of the lot area (300 square feet) and/or resulting in a Site Coverage Ratio exceeding 15%. In this example a small addition of Site Coverage less than 300 square feet could be issued a Building Permit without first obtaining Residential Site Plan Approval. Projects adding more than 300 square feet, in this situation would require obtaining Residential Site Plan Approval from the Planning Board.

Example 2 – Addition to Existing Dwelling - Lot Greater than 20,000 Square Feet

22,000 square-foot lot, with an existing dwelling and a detached one-story, 2-car garage:

Existing Site Coverage Calculation:

- Garage = 500 square feet (floor area)
- Basement = 1,000 square feet (no area devoted to residential use)
- First Floor = 1,000 square feet of living area
- Second Floor = 500 square feet of living area

Existing Site Coverage = 2,000 square feet (does not include basement area in this example)

Proposed New Site Coverage

In this example, since the lot area is 22,000 square feet, the review threshold for Residential Site Plan Approval is a Site Coverage exceeding 3,000 square feet because the lot is greater than 20,000 square feet (Section IX(D)(2)). Therefore, for projects on this lot requesting a net addition of greater than 1,000 square feet of Site Coverage would require obtaining Residential Site Plan Approval. Projects adding less than 1,000 square feet, in this situation (i.e., an enclosed sunroom) would only require obtaining a Building Permit.

Example 3 – Demolish Existing Dwelling - Lot Less than 20,000 Square Feet

10,000 square foot lot (protected by zoning) with an existing dwelling to be demolished and replaced with a new one.

Existing Site Coverage Calculation:

- Not applicable in this scenario due to demolition – considered new construction

Proposed New Site Coverage

In this example, since the lot area is less than 20,000 square feet and new construction is proposed (as a result of demolition), the review threshold for Residential Site Plan Approval that applies to this project is a Site Coverage Ratio exceeding 15% (Section IX(D)(1)). In this example any project adding more than 1,500 square feet of Site Coverage would require obtaining Residential Site Plan Approval. Projects with a Site Coverage Ratio below 15% could be issued a Building Permit without first obtaining residential Site Plan approval.