

ZONING ARTICLES BACKGROUND DOCUMENTS

- Hearing Notice for 3/8/11 Public Hearing on Planning Board Articles
- Article Summaries for Proposed Planning Board Sponsored Zoning Amendments - Public Hearing - 3/8/11
- Comparison Documents
 - Planning Board / Citizen Petition Article Comparison
 - Citizen Article Markup
- Hearing Notice for 3/22/11 Public Hearing on Citizen Petition Articles

**CHATHAM PLANNING BOARD
LEGAL NOTICE**

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 5, the Chatham Planning Board will hold a Public Hearing on Tuesday, March 8, 2011 at 7:00 p.m. in the Town Hall Lower Meeting Room, 549 Main Street, Chatham, MA to take public comments on the following proposed amendments to the Protective (Zoning) By-Law:

~~Strikethrough~~ indicates language proposed for deletion
Underline indicates language proposed for inclusion
Bold Italicized Words are defined in the Bylaw

Article 1 – Zoning: Grade Plane Definition

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section II., Definitions, Subsection B.**, as follows:

489. **“GRADE PLANE”** means a reference plane representing the average of the ~~finished, existing, undisturbed~~ ground levels adjoining a ***building*** or ***structure*** at all exterior walls ~~prior to construction, *grading* or *filling*.~~ Where the finished ground slopes away from the exterior walls, the reference plane shall be established by averaging the lowest points of the existing ground level within the area between the ***building*** and the ***lot*** line or, where the lot line is more than twenty (20) feet from the ***building*** at a point twenty (20) feet from the ***building***.

And amend, **Appendix II. Schedule of Dimensional Requirements (Table), Maximum Building Height (Column)**, by adding the following new footnote:

14. The Zoning Board of Appeals is authorized to waive maximum building height by Special Permit in cases where it can be proven that unusual topographic challenges will result in an undesirable architectural design.

And also amend, **Section II., Definitions, Subsection B.**, by adding the new definitions as follows:

28. “CLEARING” means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or *grading*.
50. “GRADING” means any excavation, *filling* or clearing which alters the existing surface of the land.
53. “FILLING” means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Including, the renumbering of **Subsection B.** accordingly to account for adding the above new definitions

Article 2 – Zoning: Restricting Building Construction within Buildable Upland (Amendment)

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, 1. Upland Requirements,** as follows:

The minimum required area of a *lot*, when used for *building* purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable *lot* in any zoning district shall contain not less than twenty thousand (20,000) square feet of *buildable upland*, as defined in Section II of this Bylaw, excepting that lots created for *building* purposes prior to May 1, 1984 shall contain not less than ten thousand (10,000) square feet of such *buildable upland* or the minimum *lot area* required in that district if less than ten thousand (10,000) square feet. No *lot* shall be filled to conform with the minimum upland square foot requirement. Structures, notwithstanding those subject to a Special Permit as defined in Section IV. Overlay Districts, Paragraph 3. Special Permit Uses of this Bylaw, shall be constructed only in the *buildable upland* area of a *lot*.

Article 3 – Zoning: Inland Conservancy District Setback Requirements

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Appendix II. Schedule of Dimensional Requirements (Table), Minimum Building / Structure Setbacks, Conservancy Districts, Inland (Column),** as follows:

<u>District</u>	<u>Inland (ft)</u>
R 60	<u>2550</u>
R40	<u>2550</u>
R40A	<u>2550</u>
R30	<u>2550</u>
R20	<u>2550</u>
R20A	<u>2550</u>
SB	<u>2550</u>
GB1	<u>2550</u>
GB2	<u>2550</u>
GB3	<u>2550</u>
I	<u>2550</u>
RC3	50
M	N/A
M/C	N/A

Article 4 – Zoning: Delete South Chatham Flexible Development Overlay District

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section IV. Overlay Regulations, Paragraph D. Flexible Development District,** by deleting **Subparagraph 3. Location, Item e,** as follows:

- e. ~~The **SB (FD) District** in South Chatham as bounded westerly by Route 137, northerly by land of the Town of Chatham from Route 137 to Cockle Cove Creek; easterly by Cockle Cove Creek to Route 28 and southerly by Route 28.~~

Including, the renumbering of **Subparagraph 3. Location** accordingly to account for deleting the above Item

Article 5 – Zoning: Filling and Removal of Natural Cover

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions**, by inserting a new Subparagraph k. Filling and Removal of Natural Cover as follows:

k. Filling and Removal of Natural Cover

A Special Permit is required for the filling or clearing of vegetation including trees, of an area of more than ten thousand (10,000) square feet. As a condition for granting a permit, the Board of Appeals shall require a landscape plan be submitted specifying the extent of the project, the restoration envisioned and the length of time until completion. The Board of Appeals shall give consideration to the topography of the site, the extent to which the application conforms with the general character of the surrounding neighborhood and assurance of compliance.

And amend, **Section II., Definitions, Subsection B.**, by adding the new definitions as follows:

28. “CLEARING” means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any *filling*, excavating or grading.
43. “FILLING” means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Including, the renumbering of **Subsection B.** accordingly to account for adding the above new definitions

Copies of the text for the proposed amendments are available in the Community Development Department, 595 Main Street, Chatham, MA 02633 and the Town Clerk’s Office, 549 Main Street, Chatham, MA 02633 and may be inspected during normal business hours or viewed online at http://www.chatham-ma.gov/Public_Documents/ChathamMA_CommDev/Public_Notice.

Cory Metters, Chairman

02/17/11 and 02/24/11 (Cape Cod Chronicle)

**ARTICLE SUMMARIES FOR PROPOSED
PLANNING BOARD SPONSORED
ZONING AMENDMENTS
PUBLIC HEARING - 3/8/11**

ARTICLE 1 – GRADE PLANE DEFINITION

The current bylaw measures a building's height from the finished grade of the land on which it is located. This means that the land can be mounded with fill to raise the building to a higher level, one not in character with neighboring properties. The proposed wording would prevent this by clarifying that the grade level from which a building's height is measured must be the natural level of the ground prior to any disturbance by grading or filling. This is the measure used by most Cape Cod towns. Only Yarmouth shares Chatham's measure of building height from "finished grade."

ARTICLE 2 – RESTRICTING BUILDING CONSTRUCTION WITHIN BUILDABLE UPLAND

A minimum amount of buildable upland is required on a lot for the construction of a building, but current law lacks the requirement that the structure must be located on the upland portion. The amendment corrects this omission.

ARTICLE 3 – INLAND CONSERVANCY DISTRICT SETBACK REQUIREMENTS

The current law prohibits a structure from being closer than 50 feet from a coastal shoreline; but it allows structures to be only 25 feet from an inland wetland. The amendment would require both set backs to be the same 50 feet. Proximity of a structure to an inland wetland can, in many cases, create a greater hazard for water quality because the gradient is gradual and more likely to be subject to runoff from fertilizers and insecticides.

ARTICLE 4 – DELETE SOUTH CHATHAM FLEXIBLE DEVELOPMENT OVERLAY DISTRICT

The current zoning bylaw allows commercial and multiple family housing in South Chatham in an extensive area that does not coincide with its Village Center as defined in the Comprehensive Long Range Plan. The area's residents are intent on retaining the village's small, neighborhood character. This amendment would delete this overlay district but make no change to existing zoning.

ARTICLE 5 – FILLING AND REMOVAL OF NATURAL COVER

There are no limitations about land clearing and filling in the current bylaw. This has resulted in lots scraped of all vegetation, or piles of fill being left in an unsightly condition for unlimited periods of time. The amendment would require a special permit if an area of 10,000 square feet is to be cleared. The special permit would require a cleared or filled area to be replanted or reforested within six months, and consideration given to the general character of the neighborhood.

PLANNING BOARD /
CITIZEN PETITION ARTICLE COMPARISON
(Differences indicated by - using PB Article as baseline)

ARTICLE 1 – ZONING: GRADE PLANE DEFINITION

PLANNING BOARD ARTICLE

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section II., Definitions, Subsection B.**, as follows:

489. **“GRADE PLANE”** means a reference plane representing the average of the finished, existing, undisturbed ground levels adjoining a **building** or **structure** at all exterior walls prior to construction, grading or filling. Where the finished ground slopes away from the exterior walls, the reference plane shall be established by averaging the lowest points of the existing ground level within the area between the **building** and the **lot** line or, where the lot line is more than twenty (20) feet from the **building** at a point twenty (20) feet from the **building**.

And amend, **Appendix II. Schedule of Dimensional Requirements (Table), Maximum Building Height (Column)**, by adding the following new footnote:

14. The Zoning Board of Appeals is authorized to waive maximum building height by Special Permit in cases where it can be proven that unusual topographic challenges will result in an undesirable architectural design.

And also amend, **Section II., Definitions, Subsection B.**, by adding the new definitions as follows:

28. **“CLEARING”** means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.
50. **“GRADING”** means any excavation, filling or clearing which alters the existing surface of the land.
53. **“FILLING”** means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Including, the renumbering of **Subsection B.** accordingly to account for adding the above new definitions

ARTICLE 1 – ZONING: GRADE PLANE DEFINITION

CITIZEN PETITION

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section II., Definitions, subsection B as follows:

48 49. Grade Plane means a reference plan representing the average of the finished existing, undisturbed ground levels adjoining a **building** or **structure** at all exterior walls prior to construction, grading or filling. Where the finished ground slopes away from the exterior walls, the reference plane shall be established by averaging the lowest points of the existing ground level within the area between the **building** and the lot line or, where the lot line is more than twenty (20) feet from the building at a point 20 feet from the **building**.

And amend Appendix II. Schedule of Dimensional Requirements (Table), Maximum Building Height (Column), by adding the following new footnote:

14. The Zoning Board of Appeals is authorized to waive maximum building height by Special Permit in cases where it can be proven that unusual topographic challenges will result in an undesirable architectural design.

And amend Section II., Definitions, subsection B by adding the new definitions as follows:

28. Clearing means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.

50. Grading means any excavation, filling or clearing which alters the existing surface of the land.

53. Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Including the renumbering of **Subsection B**, accordingly to account for adding the above new definitions.

And amend Appendix II. Schedule of Dimensional Requirements, Footnotes, as follows:

The Zoning Board of Appeals is authorized by to waive these requirements by Special Permit where it can be proven that unusual topographical challenges will result in an undesirable architectural design.

Minor display difference – Definitions not in Bylaw format

ARTICLE 2 – ZONING: RESTRICTING BUILDING CONSTRUCTION WITHIN BUILDABLE UPLAND

PLANNING BOARD ARTICLE

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, 1. Upland Requirements**, as follows:

The minimum required area of a *lot*, when used for *building* purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable *lot* in any zoning district shall contain not less than twenty thousand (20,000) square feet of *buildable upland*, as defined in Section II of this Bylaw, excepting that lots created for *building* purposes prior to May 1, 1984 shall contain not less than ten thousand (10,000) square feet of such *buildable upland* or the minimum *lot area* required in that district if less than ten thousand (10,000) square feet. No *lot* shall be filled to conform with the minimum upland square foot requirement. Structures, notwithstanding those subject to a Special Permit as defined in Section IV. Overlay Districts, Paragraph 3. Special Permit Uses of this Bylaw, shall be constructed only in the *buildable upland* area of a *lot*.

CITIZEN PETITION

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, 1. Upland Requirements**, as follows:

The minimum required area of a *lot*, when used for *building* purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable *lot* in any zoning district shall contain not less than twenty thousand (20,000) square feet of *buildable upland*, as defined in section II of this Bylaw, excepting that lots created for building purposes prior to May 1, 1984 shall contain not less than ten thousand (10,000) square feet of such *buildable upland* or the minimum *lot area* required in that district if less than ten thousand (10,000) square feet. No *lot* shall be filled to conform with the minimum upland square foot requirement. Structures, exclusive of those subject to a Special Permit as defined in Section IV. Overlay Districts, Paragraph 3., Special Permit Uses of this Bylaw, shall be constructed only in the *buildable upland* area of a *lot*.

ARTICLE 3 – ZONING: INLAND CONSERVANCY DISTRICT SETBACK REQUIREMENTS

PLANNING BOARD ARTICLE

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Appendix II. Schedule of Dimensional Requirements (Table), Minimum Building / Structure Setbacks, Conservancy Districts, Inland (Column)**, as follows:

<u>District</u>	<u>Inland (ft)</u>
R 60	<u>2550</u>
R40	<u>2550</u>
R40A	<u>2550</u>
R30	<u>2550</u>
R20	<u>2550</u>
R20A	<u>2550</u>
SB	<u>2550</u>
GB1	<u>2550</u>
GB2	<u>2550</u>
GB3	<u>2550</u>
I	<u>2550</u>
RC3	50
M	N/A
M/C	N/A

CITIZEN PETITION

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Appendix II. Schedule of Dimensional Requirements (Table), Minimum Building/Structure Setbacks, Conservancy Districts, Inland (Column)** as follows:

District	25	Feet
R 60	25	<u>50</u>
R40	25	<u>50</u>
R40A	25	<u>50</u>
R30	25	<u>50</u>
R20	25	<u>50</u>
R20A	25	<u>50</u>
SB	25	<u>50</u>
GB-1	25	<u>50</u>
GB-2	25	<u>50</u>
GB-3	25	<u>50</u>
I	25	<u>50</u>
RC3	50	50
M	N/A	N/A
M/C	N/A	N/A

Minor display difference – format may be confusing as existing 25 foot setback is not lined up under “Feet” column

ARTICLE 4 – ZONING: DELETE SOUTH CHATHAM FLEXIBLE DEVELOPMENT OVERLAY DISTRICT

PLANNING BOARD ARTICLE

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section IV. Overlay Regulations, Paragraph D. Flexible Development District**, by deleting **Subparagraph 3. Location, Item e.** as follows:

- e. ——— ~~The **SB (FD) District** in South Chatham as bounded westerly by Route 137, northerly by land of the Town of Chatham from Route 137 to Cockle Cove Creek; easterly by Cockle Cove Creek to Route 28 and southerly by Route 28.~~

Including, the renumbering of **Subparagraph 3. Location** accordingly to account for deleting the above Item

CITIZEN PETITION

No Corresponding Article

ARTICLE 5 – ZONING: FILLING AND REMOVAL OF NATURAL COVER

PLANNING BOARD ARTICLE

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions**, by inserting a new Subparagraph k. Filling and Removal of Natural Cover as follows:

k. Filling and Removal of Natural Cover

A Special Permit is required for the filling or clearing of vegetation including trees, of an area of more than ten thousand (10,000) square feet. As a condition for granting a permit, the Board of Appeals shall require a landscape plan be submitted specifying the extent of the project, the restoration envisioned and the length of time until completion. The Board of Appeals shall give consideration to the topography of the site, the extent to which the application conforms with the general character of the surrounding neighborhood and assurance of compliance.

And amend, **Section II., Definitions, Subsection B.**, by adding the new definitions as follows:

28. “CLEARING” means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any *filling*, excavating or grading.

43. “FILLING” means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Including, the renumbering of **Subsection B.** accordingly to account for adding the above new definitions

CITIZEN PETITION (Article 4)

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions**, by inserting a new Subparagraph K. Filling and Removal of Natural Cover.

A special permit is required for the filling and clearing of vegetation including trees of an area of more than ten thousand (10,000) square feet. As a condition for granting a permit, the Board of Appeals shall require a landscape plan be submitted specifying the extent of the filling and clearing, the restoration envisioned and the length of time until completion. The Board of Appeals shall give consideration to the topography of the site, the extent to which the application conforms with the general character of the surrounding neighborhood and assurance of compliance.

And amend Section II., Definitions, subsection B by adding the new definitions as follows:

Clearing means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.

Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Differences: Lack of definition #'s, not in Bylaw format and renumbering language not included

Petition for Insertion of Article into the Warrant

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request that the Chatham Board of Selectmen place the following Article on the Warrant for the 2011 Annual Town Meeting.

RECEIVED AT OFFICE OF
CHATHAM, MA TOWN CLERK
2011 FEB 16 AM 10:49

Article 1 – Zoning: Grade Plane Definition

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; ***bold italicized words*** are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section II., Definitions, subsection B as follows:

48 49. Grade Plane means a reference plan representing the average of the finished existing, undisturbed ground levels adjoining a ***building*** or ***structure*** at all exterior walls prior to construction, grading or filling. Where the finished ground slopes away from the exterior walls, the reference plane shall be established by averaging the lowest points of the existing ground level within the area between the ***building*** and the lot line or, where the lot line is more than twenty (20) feet from the building at a point 20 feet from the ***building***.

And amend Appendix II. Schedule of Dimensional Requirements (Table), Maximum Building Height (Column), by adding the following new footnote:

14. The Zoning Board of Appeals is authorized to waive maximum building height by Special Permit in cases where it can be proven that unusual topographic challenges will result in an undesirable architectural design.

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50. Grading means any excavation, filling or clearing which alters the existing surface of the land.

53. Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Including the renumbering of **Subsection B**, accordingly to account for adding the above new definitions.

And amend Appendix II. Schedule of Dimensional Requirements, Footnotes, as follows:

The Zoning Board of Appeals is authorized by to waive these requirements by Special Permit where it can be proven that unusual topographical challenges will result in an undesirable architectural design.

Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.

Explanation: The intent is to respond to complaints that the new construction and is inconsistent with the level of neighborhood. A limited number, can have a marked, negative impact on the neighborhood. We anticipate that increasing pressures from escalating land values may cause property owners to maximize the structures placed on their property. This trend may accelerate in the future. This revision brings Chatham's measure of building height into conformity with almost all other Cape Cod towns which measure building height, as we propose, from either an existing or natural and undisturbed grade.

This Section is a duplication of the above action and the language is different

Signature	Street Address	Printed Signature
	62 Chase Street	GEORGE OLMSTED
	21 Elizabeth's Way	Margaret P. Davis
	102 Fay Hall Rd	William Gould

Petition for Insertion of Article into the Warrant

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request that the ~~Chatham Board of~~ ^{RECEIVED OFFICE OF} ~~Selectmen~~ ^{CHATHAM, MA TOWN CLERK} place the following Article on the Warrant for the 2011 Annual Town Meeting.

2011 FEB 16 AM 10:49

Article 2 – Zoning: Restricting Building Construction Within Buildable Upland

Strikethrough indicates language proposed for deletion; Underline indicates language proposed for inclusion; **bold italicized words** are defined in the bylaw.

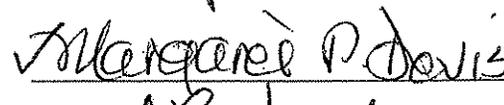
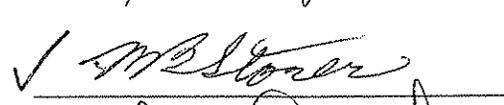
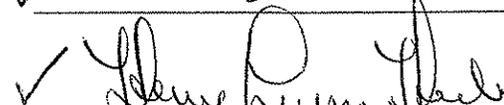
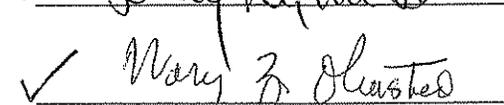
To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements,
a. Minimum Lot Conditions, 1. Upland Requirements, as follows:

The minimum required area of a *lot*, when used for *building* purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable *lot* in any zoning district shall contain not less than twenty thousand (20,000) square feet of ***buildable upland***, as defined in section II of this Bylaw, excepting that lots created for building purposes prior to May 1, 1984 shall contain not less than ten thousand (10,000) square feet of such ***buildable upland*** or the minimum *lot area* required in that district if less than ten thousand (10,000) square feet. ~~No lot shall be filled to conform with the minimum upland square foot requirement.~~ ***Structures***, exclusive of those subject to a Special Permit as defined in Section IV. Overlay Districts, Paragraph 3., Special Permit Uses of this Bylaw, shall be constructed only in the ***buildable upland*** area of a lot.

Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.

Explanation: A minimum amount of buildable upland is required on a lot for the construction of a building, but current law lacks the requirement. The amendment corrects this omission and provides for structures that are consistent with Conservation Commission regulations.

Language in this Section does not correspond with that of PB Notice

Signature	Street Address	Printed Signature
✓ 	62 Chase St	GEORGE OLMSTED
✓ 	21 Elizabeth's Way	Margaret P. Davis
✓ 	102 Fox Hill Rd	William Good
✓ 	196 SEAPINE RD	W.R. HOLDEN
✓ 	38 Pondviewhane W.	BERTOUHI SPENCER
✓ 	23 Sedge Ln	MARGARET B. STORER
✓ 	94 Eastward Rd.	Henry Lynn HERBST
✓ 	62 CHASE ST	MARY Z. OLMSTED

Petition for Insertion of Article into the Warrant

RECEIVED AT OFFICE OF
CHATHAM, MA TOWN CLERK
FEB 16 AM 10:49

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request that the Chatham Board of Selectmen place the following Article on the Warrant for the 2011 Annual Town Meeting.

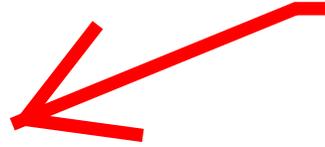
Article 3 – Zoning: Inland Conservancy District Setbacks

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; *bold italicized words* are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Appendix II. Schedule of Dimensional Requirements (Table), Minimum Building/Structure Setbacks, Conservancy Districts, Inland (Column) as follows:

District		Feet
R 60	25	<u>50</u>
R40	25	<u>50</u>
R40A	25	<u>50</u>
R30	25	<u>50</u>
R20	25	<u>50</u>
R20A	25	<u>50</u>
SB	25	<u>50</u>
GB-1	25	<u>50</u>
GB-2	25	<u>50</u>
GB-3	25	<u>50</u>
I	25	<u>50</u>
RC3	50	50
M	N/A	N/A
M/C	N/A	N/A

Format may be confusing as existing 25 is not lined up under Feet column



Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.

Explanation: Current law prohibits a structure from being closer than 50 feet from a coastal shoreline; but it allows structures to be only 25 feet from an inland wetland. The amendment would require set backs from a Coastal Conservancy District and an Inland Conservancy District to be the same 50 feet. The amended setbacks would establish conformity in Chatham's zoning bylaw with the town's conservation regulations.

Signature	Street Address	Printed Signature
	62 Chase St	GEORGE OLMSTED
	21 Elizabeth's Way	Margaret P. Davis
	102 Fox Hill Rd	William Gould
	196 SEAPINE RD	HR HOLDEN

Petition for Insertion of Article into the Warrant

RECEIVED AT OFFICE OF
CHATHAM, MA TOWN CLERK

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request the Chatham Board of Selectmen place the following Article on the Warrant for the 2011 Annual Town Meeting.

2011 FEB 16 AM 10:51

Article 4 – Zoning: Filling and Removal of Natural Cover

Strikethrough indicates language proposed for deletion; Underline indicates language proposed for inclusion; bold italicized words are defined in the bylaw.

To see if the Town will vote to amend its Protective Bylaw Regulations, Paragraph D. District Area Regulations, a. Minimum Lot Conditions, by inserting a new Subparagraph K. Filling and Removal of Natural Cover.

Language in this Section does not correspond with that of PB Notice

A special permit is required for the filling and clearing of vegetation including trees of an area of more than ten thousand (10,000) square feet. As a condition for granting a permit, the Board of Appeals shall require a landscape plan be submitted specifying the extent of the filling and clearing, the restoration envisioned and the length of time until completion. The Board of Appeals shall give consideration to the topography of the site, the extent to which the application conforms with the general character of the surrounding neighborhood and assurance of compliance.

And amend Section II., Definitions, subsection B by adding the new definitions as follows:

Clearing means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.

Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

~~Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.~~

Explanation: There are no limitations about land clearing and filling in the current bylaw. This has resulted in some lots being scraped left in an unsightly condition for undeveloped lots. A special permit if an area of 10,000 square feet for such activities provides notice to abutters of changes in topography that may impact their properties and neighborhood character.

Format in this Section does not correspond with that of PB Notice

Signature

Street Address

Printed Signature

✓ Margaret B. Storer 23 SEDGEMAN MARGARET B. STORER

✓ Mary Z. Olmsted 62 CHASE ST MARY Z. OLMSTED

✓ Ann B. O'Connell 50 CHASE ST. ANN B. O'CONNELL

**CHATHAM PLANNING BOARD
LEGAL NOTICE**

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 5, the Chatham Planning Board will hold a Public Hearing on Tuesday, March 22, 2011 at 7:00 p.m. in the Town Hall Lower Meeting Room, 549 Main Street, Chatham, MA to take public comments on the following proposed amendments to the Protective (Zoning) By-Law:

Petition for Insertion of Article into the Warrant

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request that the Chatham Board of Selectmen place the following Article on the Warrant for the 2011 Annual Town Meeting.

Article 1 – Zoning: Grade Plane Definition

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; ***bold italicized words*** are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section II., Definitions, subsection B as follows:

48 49. Grade Plane means a reference plan representing the average of the ~~finished~~ existing, undisturbed ground levels adjoining a ***building*** or ***structure*** at all exterior walls prior to construction, grading or filling. Where the finished ground slopes away from the exterior walls, the reference plane shall be established by averaging the lowest points of the existing ground level within the area between the ***building*** and the lot line or, where the lot line is more than twenty (20) feet from the building at a point 20 feet from the ***building***.

And amend Appendix II. Schedule of Dimensional Requirements (Table), Maximum Building Height (Column), by adding the following new footnote:

14. The Zoning Board of Appeals is authorized to waive maximum building height by Special Permit in cases where it can be proven that unusual topographic challenges will result in an undesirable architectural design.

And amend Section II., Definitions, subsection B by adding the new definitions as follows:

28. Clearing means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.

50. Grading means any excavation, filling or clearing which alters the existing surface of the land.

53. Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Including the renumbering of **Subsection B**, accordingly to account for adding the above new definitions.

And amend Appendix II. Schedule of Dimensional Requirements, Footnotes, as follows:

The Zoning Board of Appeals is authorized by to waive these requirements by Special Permit where it can be proven that unusual topographical challenges will result in an undesirable architectural design.

Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.

Explanation: The intent is to respond to complaints that the level of some properties has been raised prior to new construction and is inconsistent with the level of neighboring properties. These situations, which may be limited in number, can have a marked, negative impact on that neighborhood's character. Chatham must anticipate that increasing pressures from escalating land values may cause property owners to maximize the structures placed on their property. This trend may accelerate in the future. This revision brings Chatham's measure of building height into conformity with almost all other Cape Cod towns which measure building height, as we propose, from either an existing or natural and undisturbed grade.

(CITIZEN PETITION)

Petition for Insertion of Article into the Warrant

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request that the Chatham Board of Selectmen place the following Article on the Warrant for the 2011 Annual Town Meeting.

Article 2 – Zoning: Restricting Building Construction Within Buildable Upland

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; ***bold italicized words*** are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, 1. Upland Requirements, as follows:

The minimum required area of a *lot*, when used for *building* purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable *lot* in any zoning district shall contain not less than twenty thousand (20,000) square feet of ***buildable upland***, as defined in section II of this Bylaw, excepting that lots created for building purposes prior to May 1, 1984 shall contain not less than ten thousand (10,000) square feet of such ***buildable upland*** or the minimum *lot area* required in that district if less than ten thousand (10,000) square feet. No *lot* shall be filled to conform with the minimum upland square foot requirement. Structures, exclusive of those subject to a Special Permit as defined in Section IV. Overlay Districts, Paragraph 3., Special Permit Uses of this Bylaw, shall be constructed only in the ***buildable upland*** area of a lot.

Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.

Explanation: A minimum amount of buildable upland is required on a lot for the construction of a building, but current law lacks the requirement that the structure must be located on the upland portion. The amendment corrects this omission and provides protections to wetland areas under zoning bylaw that are consistent with Conservation Commission regulations.

(CITIZEN PETITION)

Petition for Insertion of Article into the Warrant

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request that the Chatham Board of Selectmen place the following Article on the Warrant for the 2011 Annual Town Meeting.

Article 3 – Zoning: Inland Conservancy District Setbacks

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; bold italicized words are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Appendix II. Schedule of Dimensional Requirements (Table), Minimum Building/Structure Setbacks, Conservancy Districts, Inland (Column) as follows:

District		Feet
R 60	25	<u>50</u>
R40	25	<u>50</u>
R40A	25	<u>50</u>
R30	25	<u>50</u>
R20	25	<u>50</u>
R20A	25	<u>50</u>
SB	25	<u>50</u>
GB-1	25	<u>50</u>
GB-2	25	<u>50</u>
GB-3	25	<u>50</u>
I	25	<u>50</u>
RC3	50	50
M	N/A	N/A
M/C	N/A	N/A

Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.

Explanation: Current law prohibits a structure from being closer than 50 feet from a coastal shoreline; but it allows structures to be only 25 feet from an inland wetland. The amendment would require set backs from a Coastal Conservancy District and an Inland Conservancy District to be the same 50 feet. The amended setbacks would establish conformity in Chatham’s zoning bylaw with the town’s conservation regulations.

(CITIZEN PETITION)

Petition for Insertion of Article into the Warrant

Pursuant to M.G.L. Chapter 39, Section 10, the undersigned voters request that the Chatham Board of Selectmen place the following Article on the Warrant for the 2011 Annual Town Meeting.

Article 4 – Zoning: Filling and Removal of Natural Cover

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; ***bold italicized words*** are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, by inserting a new Subparagraph K. Filling and Removal of Natural Cover.

A special permit is required for the filling and clearing of vegetation including trees of an area of more than ten thousand (10,000) square feet. As a condition for granting a permit, the Board of Appeals shall require a landscape plan be submitted specifying the extent of the filling and clearing, the restoration envisioned and the length of time until completion. The Board of Appeals shall give consideration to the topography of the site, the extent to which the application conforms with the general character of the surrounding neighborhood and assurance of compliance.

And amend Section II., Definitions, subsection B by adding the new definitions as follows:

Clearing means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.

Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

Motion: I move that the Town vote to amend its Protective Bylaw (Zoning) as set forth in this Article in the Warrant.

Explanation: There are no limitations about land clearing and filling in the current bylaw. This has resulted in some lots being scraped of all vegetation and in some cases piles of fill being left in an unsightly condition for unlimited periods of time. The amendment would require a special permit if an area of 10,000 square feet is to be cleared and or filled. Requiring a special permit for such activities provides notice to abutters of changes in topography that may impact their properties and neighborhood character.

(CITIZEN PETITION)

Copies of the text for the proposed amendments are available in the Community Development Department, 595 Main Street, Chatham, MA 02633 and the Town Clerk's Office, 549 Main Street, Chatham, MA 02633 and may be inspected during normal business hours or viewed online at http://www.chatham-ma.gov/Public_Documents/ChathamMA_CommDev/Public_Notice.

Cory Metters, Chairman

03/03/11 and 03/10/11 (Cape Cod Chronicle)