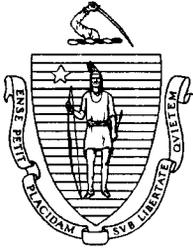


Form 7-PBN



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

MUNICIPAL LAW UNIT
1350 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MASSACHUSETTS 01103-1629

Notice of Planning Board Hearing

Relative to Proposed Zoning By-Law Amendments Pursuant to M.G.L. c. 40A, § 5

The Planning Board of the Town of Eastham will hold a public hearing to discuss proposed amendments to the town's zoning by-laws. The public hearing will be held as follows:

Place: Earle Mountain Hearing Room, Town Hall, 2500 State Highway
Date: February 25, 2009
Time: 5:00 PM

The subject matter of the proposed amendments is/are as indicated below (*attach additional sheets if necessary*). The complete text and maps relative to the proposed amendments are available for inspection during regular business hours at the following place(s):

Place: Planning Department
Place: Town Clerk
Place: _____

Article Number	Subject Matter of Proposed Amendments Sufficient for Identification
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	<u>Article ##: To see if the Town will vote to amend the Town of Eastham Bylaw Appendix (Zoning District Boundaries) by rezoning Map 08 Parcel 120 (Transfer Station) and Map 08 Parcel 089 (Department of Public Works) from Residential District A to Industrial District C and, further, by rezoning Map 08 Parcel 125 (New Bedford Gas & Electric/ NStar) Retail Sales/Service Area D to Industrial District C and to amend the Town of Eastham Zoning Map to reflect this change.</u>
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SEE ATTACHED TEXT AND MAP

	<u>Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by striking and adding the following to Section XIII.B.:</u>
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SEE ATTACHED TEXT

* Note: The above information is *strictly required* by M.G.L. c. 40A, § 5.

Form 7-PBN

Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by adding to Section XIII the following:

SEE ATTACHED TEXT

Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by striking the following from Section XII.G.:

SEE ATTACHED TEXT

Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by adding the following definitions to Section III:

SEE ATTACHED TEXT



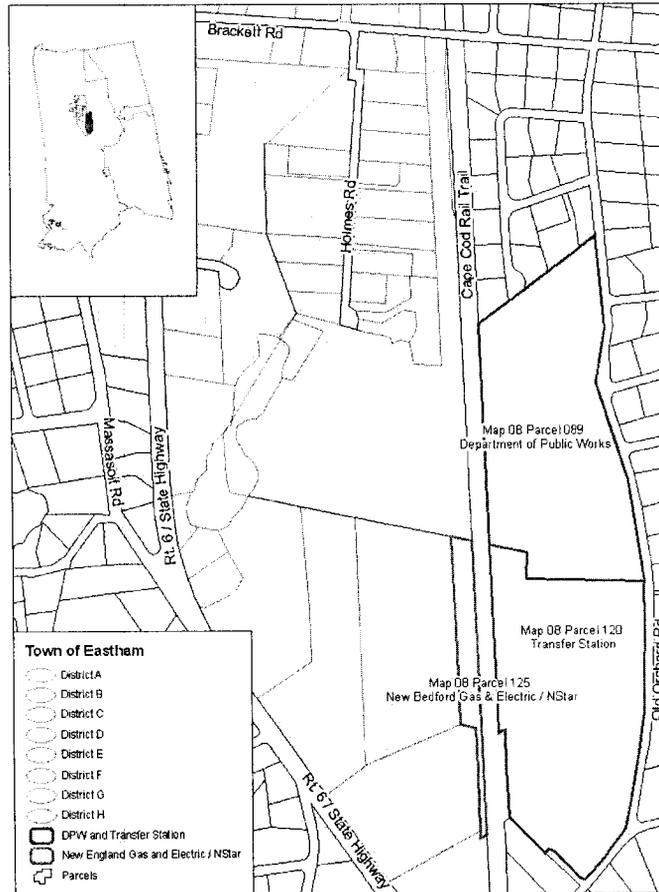
TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508 240-5900 Fax 508 240-1291
www.eastham-ma.gov

LEGAL NOTICE

Pursuant to the provisions of MGL 40A §5, the Eastham Planning Board will hold a public hearing on February 25, 2009 at 5:00 pm in the Earle Mountain Hearing Room, Eastham Town Hall, 2500 State Highway, Eastham, MA. The purpose of the hearing is to accept public comments on the following proposed amendments to the Zoning By-laws. All proposed text may be inspected at the Eastham Town Clerk's Office or the Eastham Planning Department at the above address, during regular business hours Monday-Friday 8:00 AM – 4:00 PM.

Article ##: To see if the Town will vote to amend the Town of Eastham By-laws Appendix (Zoning District Boundaries) by rezoning Map 08 Parcel 120 (Transfer Station) and Map 08 Parcel 089 (Department of Public Works) from Residential District A to Industrial District C and, further, by rezoning Map 08 Parcel 125 (New Bedford Gas & Electric/ NStar) Retail Sales/Service Area D to Industrial District C and to amend the Town of Eastham Zoning Map to reflect this change.



or take any other action relating thereto.

Submitted by the Planning Board

Summary:

The proposed changes to the by-laws and map would reflect the current (and historic) use of the subject properties. Change in designation will not initiate a reduction in property values. The designation of District C (Industrial) is more utilitarian in that the subject properties' and abutting properties' assessed values have already been influenced by the existing uses.

Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by ~~striking~~ and adding the following to Section XIII.B.:

B. PROJECTS REQUIRING SITE PLAN SPECIAL PERMITS:

- ~~1. No special permit, variance or building permit shall be issued for any of the following uses unless a Site Plan Special Permit has been granted by the Planning Board:~~
1. No building permit shall be issued for any of the following uses unless a Site Plan Special Permit has been granted by the Planning Board. The Planning Board shall not issue a special permit until all necessary zoning relief has been granted from the Zoning Board of Appeals.

or take any other action relating thereto.

Submitted by the Planning Board

Summary:

This article will clarify permitting procedure amongst regulatory boards.

Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by adding to Section XIII the following:

G.5. Control of Glare and Light Trespass.

- A. To the greatest extent feasible, all light fixtures shall be equipped with whatever shielding, lenses, or cut-off devices are required to eliminate light trespass onto any street or abutting lot or parcel and to minimize glare to persons on any street or abutting lot or parcel.
- B. All light fixtures, regardless of their intended use or mounting configuration, shall be fully shielded, and directed downward. Downward direction may be waived when illuminating architectural features such as building sections, spires, American flags, or landscaping features, provided efforts are made to minimize glare.
- C. All light fixtures shall also be positioned on the site so as to direct light into the site, lot or parcel and away from the property boundaries of the site and away from abutting properties.

or take any other action relating thereto.

Submitted by the Planning Board

Summary:

This article will require proper placement and shielding from outdoor lighting.

Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by striking the following from Section XII.G.:

G. The Planning Board when sitting as a Special Permit Granting Authority ~~under Sections XIII, XX and XXI of this by-law~~ may impose a reasonable fee on the applicant for the employment of outside consultants. Upon the selection of an outside consultant by majority vote of the Planning Board, the applicant has 30 days to appeal the selection to the Board of Selectmen pursuant to the grounds set forth in M.G.L. c. 44, sec. 53G.

or take any other action relating thereto.

Submitted by the Planning Board

Summary:

This article will allow the use of outside consultants anytime the Planning Board sits as the Special Permit Granting Authority.

Article ##: To see if the Town will vote to amend the Town of Eastham Zoning By-laws by adding the following definitions to Section III:

FULLY SHIELDED LIGHT FIXTURE – A light fixture closed at the top with shielding so that the lower edge of the shield is at or below the center line of the light source or lamp so as to minimize the light rays emitted above the horizontal plane.

GLARE – Light emitted from a lamp with an intensity great enough to produce a reduction in a typical viewer’s ability to see.

LAMP – A bulb, which is a component of a light fixture. It consists of an outer glass envelope and a metal base enclosing a filament or arc tube and electrodes.

LIGHT FIXTURE – A lighting device that may be secured to a wall, ceiling, pole or post, and is used to hold one or more lamps. Lighting fixtures are designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the electrical power supply.

LIGHT TRESPASS – The shining of direct light produced by a light fixture onto an abutting lot, parcel, or street.

MUNICIPAL WIND FACILITY – Any wind facility as defined by this by-law on Town-owned property for the benefit of the community.

or take any other action relating thereto.

Submitted by the Planning Board

Summary:

This article adds definitions related to municipal wind facilities and outdoor lighting to the Town of Eastham's Zoning By-laws.

**Leslie-Ann Morse, Chairman
Eastham Planning Board
The public is invited to attend and be heard.**

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- POST AT TOWN HALL – JANUARY 12, 2009
 - SENT CERTIFIED/RRR TO TOWNS OF WELLFLEET & ORLEANS, CAPE COD COMMISSION & DHCD – JANUARY 12, 2009
 - PUBLISH IN THE CAPE CODDER LEGAL ADS ON FRIDAY – February 6, 2009 and FRIDAY – February 13, 2009 and FRIDAY – February 20, 2009