

DRAFT

Article ## Zoning

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 21 – DEFINITIONS** as follows:

BUILDABLE UPLAND: Land which ~~excludes all wetland or land under any stream, creek is not~~ swamp, pond, bog, dry bog, fresh or salt water marsh, areas of exposed groundwater, or other water body, stream, and/or which is not ~~areas~~ subject to flooding from high tides.

CLEAR CUTTING: A technique that removes all trees and/or shrubs and/or understory vegetation regardless of size or species. Actions that remove all trees but retains the understory vegetation constitutes clear cutting, actions that remove all understory vegetation but retains existing trees constitutes clear cutting, actions that remove all shrubs but retains existing trees constitutes clear cutting.

DIAMETER AT BREAST HEIGHT (DBH): The diameter of the trunk of a tree 4 1/2 feet above the existing grade at the base of the tree

HAZARDOUS TREE: A tree with a structural defect or disease, which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as identified by a Certified Arborist or the Tree Warden.

INVASIVE SPECIES: An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes.

LEGACY TREE: A native, introduced or naturalized tree, as defined herein, which is 24” Diameter at Breast Height (DBH) or larger, or multi stemmed trees with a combined DBH equal to or greater than 24”.

~~LOT AREA:~~ The horizontal area of a lot exclusive of any area under water, or within a road layout.

LOT AREA: REQUIREMENTS: ~~The horizontal area of a lot calculated as ion of the minimum lot area shall~~ include only contiguous upland and shall excluding all wetland or land under any stream, creek, swamp, pond, bog, dry bog, fresh or salt water marsh, areas of exposed groundwater, or other water body, areas subject to flooding from high tides, and areas within a road layout, such that said ~~therefore such~~ upland area shall contain the minimum required area for buildable lots in the district.

NEIGHBORHOOD: Parties in Interest per MGL Ch.40A Sec. 9: the Property of the petitioner, properties of direct abutters to petitioner's property, properties of owners of land directly opposite the subject property on any public or private street, properties of abutters to abutters within 300 feet of any property line of the petitioner's property, and at the discretion of the regulatory board, properties located across an adjacent body of water and/or properties within an established subdivision.

REPLACEMENT TREE: Native Trees and/or shrubs to replace trees/shrubs that are: (a) approved for removal by the Planning Board, Zoning Board or its designees and require replacement, or (b) any tree that is damaged as a result of site work in areas under the purview of Zoning Bylaw Section 6.11.

SIGNIFICANT BUILDING: Any building or portion thereof, which is not within a regional or local historic district subject to regulation under the provisions of Massachusetts General Law 40C or special act of Legislature, but which is included in the historical survey of the Town of Eastham and on file with the Massachusetts Historical Commission, or

- a. Is in whole or part seventy-five or more years old, and/or
- b. Is listed in, or is within an area listed in the National Register of Historic Places, or the State Register of Historic Places, or is the subject of a pending application for listing in said Registers, or has previously been determined to be eligible for listing in the National Register of Historic Places, and/or
- c. Has been previously determined by vote of the Commission to be:
 1. Historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder, or
 2. Is importantly associated with one or more historic persons or events, or the broad architectural, political, economic or social history of the Town or Commonwealth, provided that the owner of such a building and the Building Inspector have been notified, in hand or by certified mail within ten (10) days of such Commission vote.

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, sheds under 200 square feet 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~~ Lot Area.

UNDERSTORY VEGETATION: Small trees, shrubs, and ground cover plants, growing beneath and shaded by the canopy of trees.

or take any action relative thereto.

Summary:

The proposed changes to the regulatory definitions are intended to provide clarity to the use and interpretation of the zoning bylaw. Several new definitions are proposed related to the proposed clear cutting/vegetation management bylaw. Amendments to existing definitions are proposed to align with the proposed new residential development standards. The changes to the definitions will alter how site coverage is defined and how it is calculated, basing the calculation on buildable upland instead of total lot area. The changes will also exempt basements from the site coverage calculation.

BOARD OF SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:
PLANNING BOARD RECOMENDATION:

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