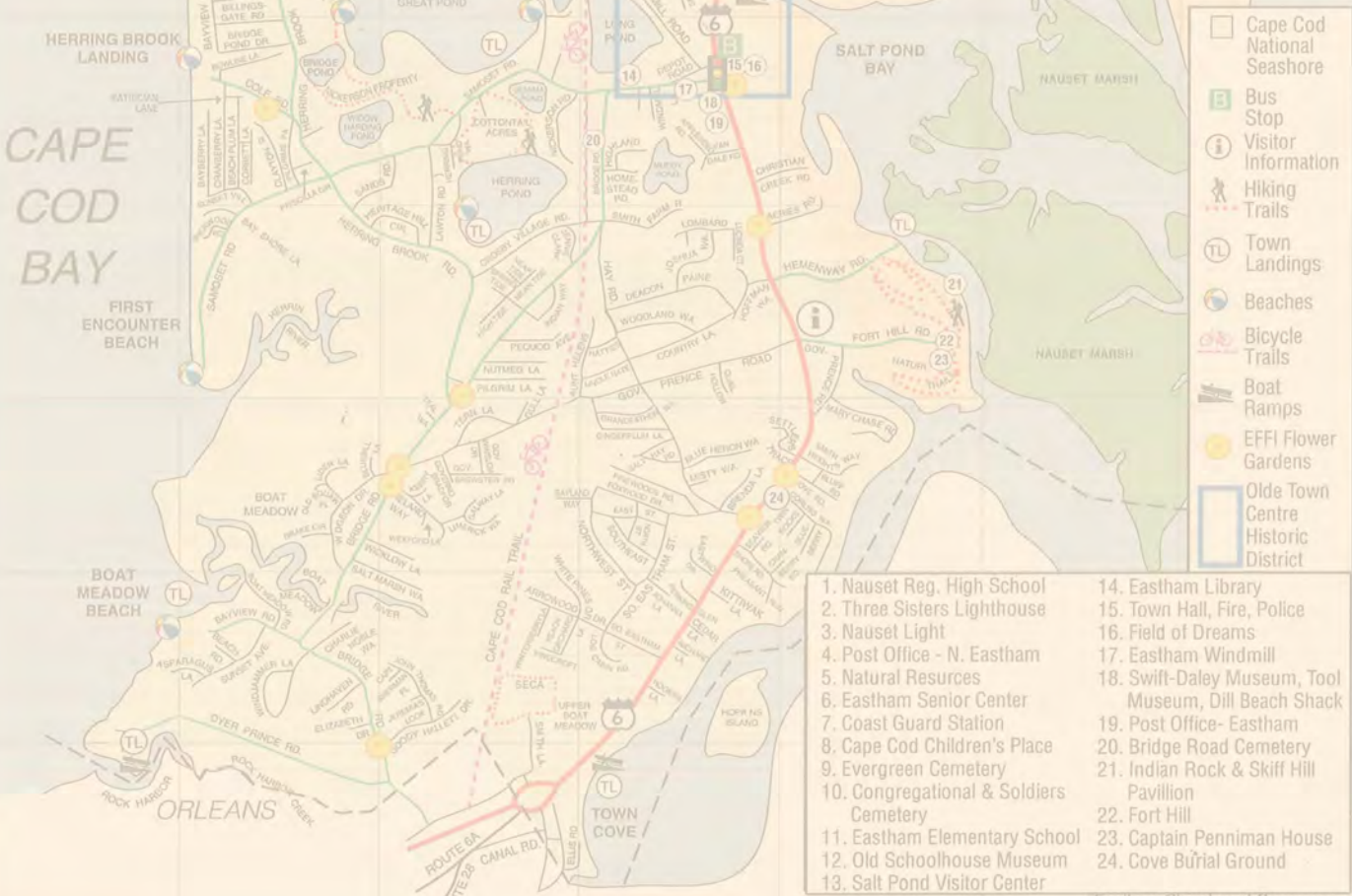




# Eastham Task Force on Residential Zoning Report

March 2023  
Revised April 5, 2023



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## March 2023

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### Overview

The Residential Zoning Task Force was established by the Eastham Select Board in December 2020 and charged with examining zoning issues related homes and housing. The Task Force has met continually since the spring of 2021. Meetings were held both in person and virtually and all were open to the public.

*Zoning is the process of partitioning a city or town into zones that are reserved for different purposes such as residential and business. The zoning code is a set of ordinances by which zones are established or regulated. (Webster)*

Six Task Force members (five full-time residents and one part-time resident) have worked to research, analyze, and debate the issues outlined in this report. Members include, current or past members of the Planning Board and Zoning Board of Appeals, and the Affordable Housing Trust. The Task Force members possess a variety of professional experience including real-estate, finance, banking, community development and non-profit management.

### **Task Force Membership:**

Mary Nee, Chair  
Jim Kivlehan, Vice Chair  
Carolyn McPherson, Clerk  
Bob Bruns  
Jeff Cusack  
Kevin Gatlin  
Paul Lagg, Staff (Director of Community Development)

In 2022, the Task Force recommended five zoning amendments, all of which were approved by residents at the May 2022 Town Meeting.

1. Inclusionary Zoning
2. Motel/Cottage Colony Conversions
3. Duplex Dwellings
4. Open Space Residential Subdivisions
5. Two-Family Dwellings

For 2023 the Task Force is proposing several additional zoning changes including:

1. Residential Development Standards,
2. Further defining Planning Board Site Plan Review Criteria and Zoning Board of Appeals Special Permit review criteria,
3. Clarifying the definitions of several terms such as “neighborhood”, “prevailing character”, and “site coverage”,
4. Clear cutting regulations and protection of legacy trees,
5. Codifying requirements for pool setbacks and other recreational courts

## **Methodology and Policy Framework**

The Task Force goals and objectives are driven by issues raised by the Select Board along with other standing Eastham boards/committees and citizens. We defer to existing Town planning documents, (Eastham’s Strategic Plan, and its Housing Production Plan), for policy guidance.

**Eastham’s Strategic Plan (2020-2024) guided the 2023 Residential Zoning Task Force’s work.**

The overarching principles of the plan describes a community vision that will:

1. Honor Eastham’s history and protect its small-town identity,
2. Live in harmony with the natural environment and local culture, and,
3. Enhance community vibrancy and viability for people of all ages.

The goals contained within the Strategic Plan focus on environmental protection and enhancing community character including an increase in the diversity of housing options.

The Residential Zoning Task Force analysis and recommendations are designed to support the community vision articulated in the Strategic Plan.

Technical analysis was conducted to determine how the existing zoning regulations support (or don’t support) the strategic vision of the community as approved by residents at Town Meeting.

The analysis process involved:

1. Documentation of problem; quantitative analysis of scope and nature of problem,
2. Examination of Eastham Bylaws and model Bylaws of other towns
3. Consultation with Town Counsel to determine legal parameters.
4. Dialog with other subject matter experts, i.e., Cape Cod Commission and other town planners regarding local experiences.
5. Analysis of impact of zoning changes on administration of processes and land use planning principals.

Data from Eastham's 2022 assessing records were used to evaluate current conditions and impact of proposed recommendations.

The Task Force was informed by Bylaws from the Cape Cod towns including, Provincetown, Wellfleet, Orleans, Harwich, Chatham, Brewster, Yarmouth, Barnstable, Bourne, Falmouth and Chilmark (MV).

Also reviewed were Bylaws from towns including, Wellesley, Cohasset, Hull, Kingston, Boxborough, Brookline, Medway, Burlington, Concord, Tyngsboro, Lynnfield, Rockland, and Weston.

In addition, numerous reports and data from several public agencies were consulted including those from the Cape Cod Commission and the Massachusetts Historical Commission.

The Task Force tremendously benefitted from the extensive consultation by Town Counsel, Carolyn M. Murray, Esq. from KP Law. In addition, presentations were made to the Task Force by Martha Hevenor and Sarah Korjeff from the Cape Cod Commission, Colleen Mercurio, Eastham Principal Assessor and from Paul Lagg who consulted with his robust network of land use planning professionals.

### **Potential Areas for Review**

During the summer months of 2022 the Task Force reviewed a number of topics for analysis and recommendations. These topics were raised by several sources including the Select Board, Planning or Zoning Board of Appeal members, community members and town staff. Topics included:

1. Commercial use of residential properties/Short Term Rentals
2. Storage of Campers/Trailers
3. Community Impact Fees for Certain Developments
4. Residential Development Standards
5. Seashore District Regulations
6. Scenic View Regulations
7. Historic Structures
8. Architectural Design Guidelines
9. Planning Board and Zoning Board Review Criteria
10. Residential Review Waiver Procedures
11. Abandoned/Neglected Properties
12. Clear Cutting/Vegetation Management
13. Density Bonuses
14. Tiny Homes
15. Pools

The decisions regarding topics for review were made in consideration of policy priorities, availability of resources (previous research, model Bylaws, etc.) and time constraints and capacity of the Task Force and staff.

After a feasibility analysis, the list of 13 topics was culled to seven areas for analysis:

1. Residential Development Standards
2. Clear Cutting/Vegetation Management
3. Historic Structures
4. Architectural Design Guidelines
5. Short Term Rentals
6. Definitions, Neighborhood & Neighborhood Character, and Buildable Upland
7. Pools

Ultimately, the Task Force was able to complete analysis and make recommendations for the following:

**Proposed Bylaw change:**

1. Residential Development Standards
2. Planning Board/Zoning Board of Appeals Review Criteria
3. Clear Cutting/Vegetation Management
4. Definitions, Neighborhood & Neighborhood Character, and Buildable Upland
5. Pool & Recreation Court Setback requirements

**Administrative Recommendations:**

1. Historic Structures
2. Short Term Rentals

**Deferred for future analysis.**

1. Architectural Design Guidelines

Underpinning several of the Task Force recommendations are changes that will have positive environmental benefits consistent with the goals of the Strategic Plan. Bylaw recommendations will support preserving green landscapes and tree canopies and reduces the growth of impervious surfaces. These benefits are acknowledged by the Task Force, but time and capacity limitations did not allow for extensive research related to environmental impact from these recommendations or specifically, large home development. Instead, information from town reports, commissions and studies were consulted to support these conclusions.

**Key Findings**

The Task Force found three conditions which together pose a threat to Eastham’s vision as stated in the Town’s Strategic Plan: *“to preserve its rural, small-town community character— along with protection of its fragile environment.”*

**Rapid rising property values are fueling gentrification and displacement of longtime residents.** Median sales price grew to \$758K in 2022 vs \$400K in 2013, a 90% increase. Also, 61% of all properties are now occupied by part-time residents and there is a dramatic loss of year-round rentals resulting in a zero-vacancy rate.

**Eastham has no fixed limits guiding building mass or overall site coverage.** Eastham’s existing residential land use is very dense: 97% of lots are less than 30,000 sq. feet and 76% of all lots hold properties that have less than 2,500 sq ft of primary structure net living area. Given the small lot

and home size, building mass and total site coverage can have significant impact on the environment and prevailing community character.

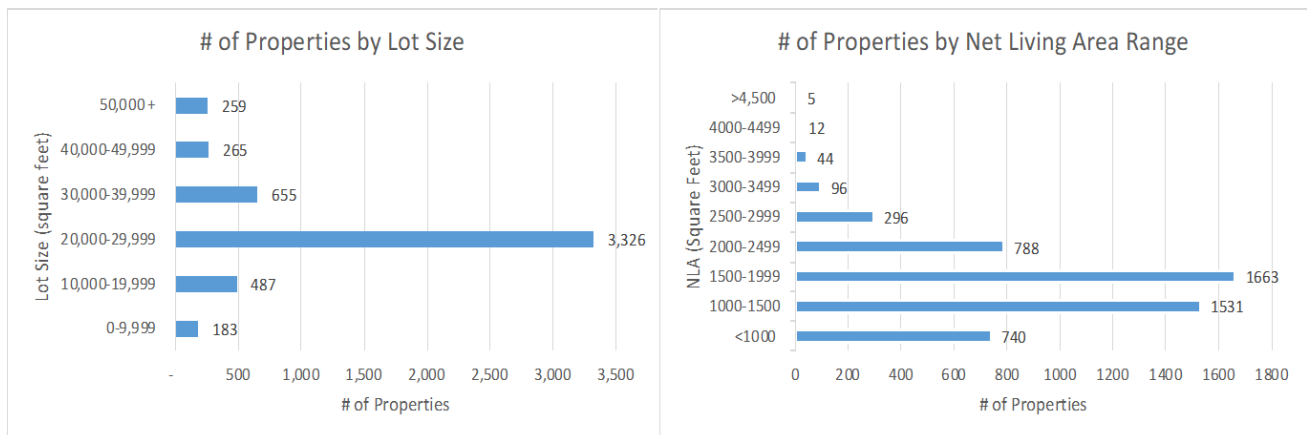
Residential development limits are in place in surrounding communities including, Wellfleet, Orleans, Harwich, Chatham, Brewster, Yarmouth, and Chilmark (MV). Limits were also reviewed in additional Massachusetts towns including, Wellesley, Cohasset, and Weston.

The towns surveyed vary in the methodology used to determine site coverage and certain other definitions. Eastham historically has determined site coverage by calculating the gross floor area of all roofed structures and dividing by the total lot area. This is a conservative approach which focuses on building volume, scale, and massing as well as the intensity of the use of the lot itself—all matters that can greatly impact how a building may or may not fit compatibly with the surrounding neighborhood. The Task Force is not recommending any changes to this methodology.

Eastham has established limits for primary building mass, accessory structures, and overall site coverage in the Eastham Corridor Special District (ECSD), which comprises most of the Town’s commercial zoning districts. However, these types of redevelopment limits have not been extended to the residential zones.

Based on discussions with the Town’s legal counsel, implementation of residential site coverage and gross floor area limits are permissible under State and local zoning statutes, and there is a record of court decisions upholding challenges to such limits.

The chart below illustrates the number of properties by lot size and number of properties by net living area.

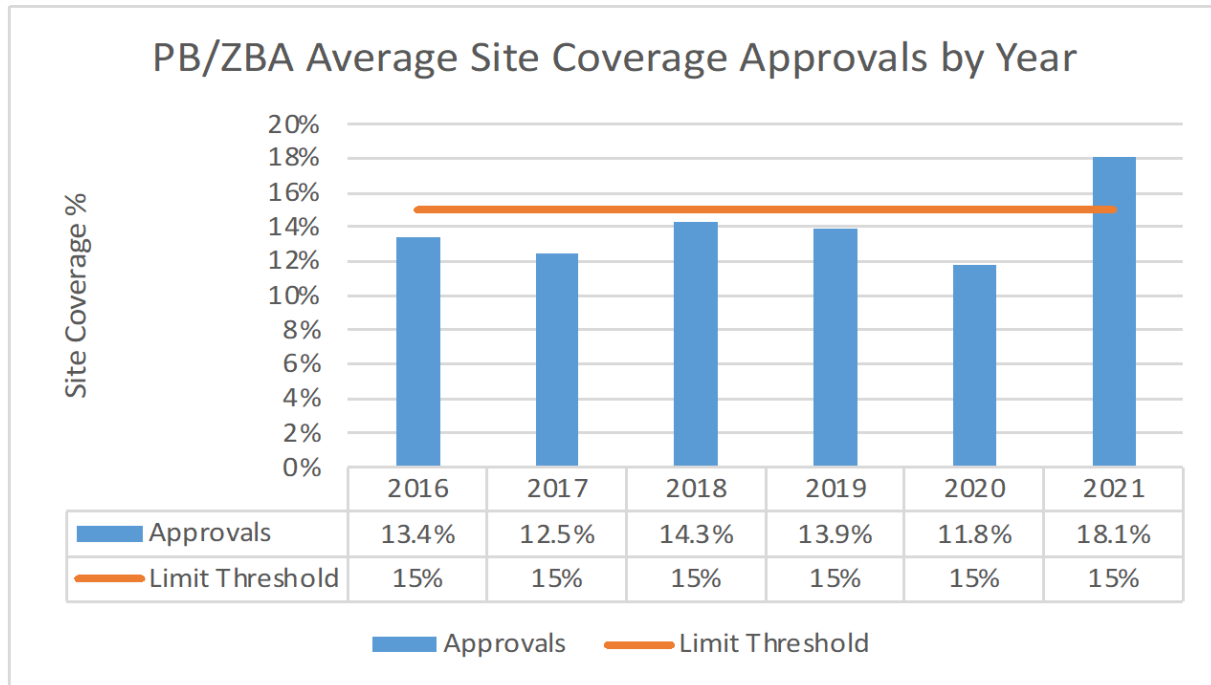


Sources: Town Assessors database dated 11/18/22

Net Living Area (NLA) is a principal building living area and finished walkout basements only

**Ambiguity in current Bylaw language and lack of specific development limits, creates uncertainty among regulatory boards regarding their legal and policy authority to restrict development.** The Task Force found that up until 2021, the Planning and ZBA boards were approving projects that ranged between 11.8% - 14.3% of site coverage. Beginning in 2021, these approvals grew 26% averaging 18% and rising upwards of 30%. The recommendations of the Task

Force would return development to pre-2021 site coverage limits and clarify key definitions including neighborhood, prevailing character, buildable upland, among others.



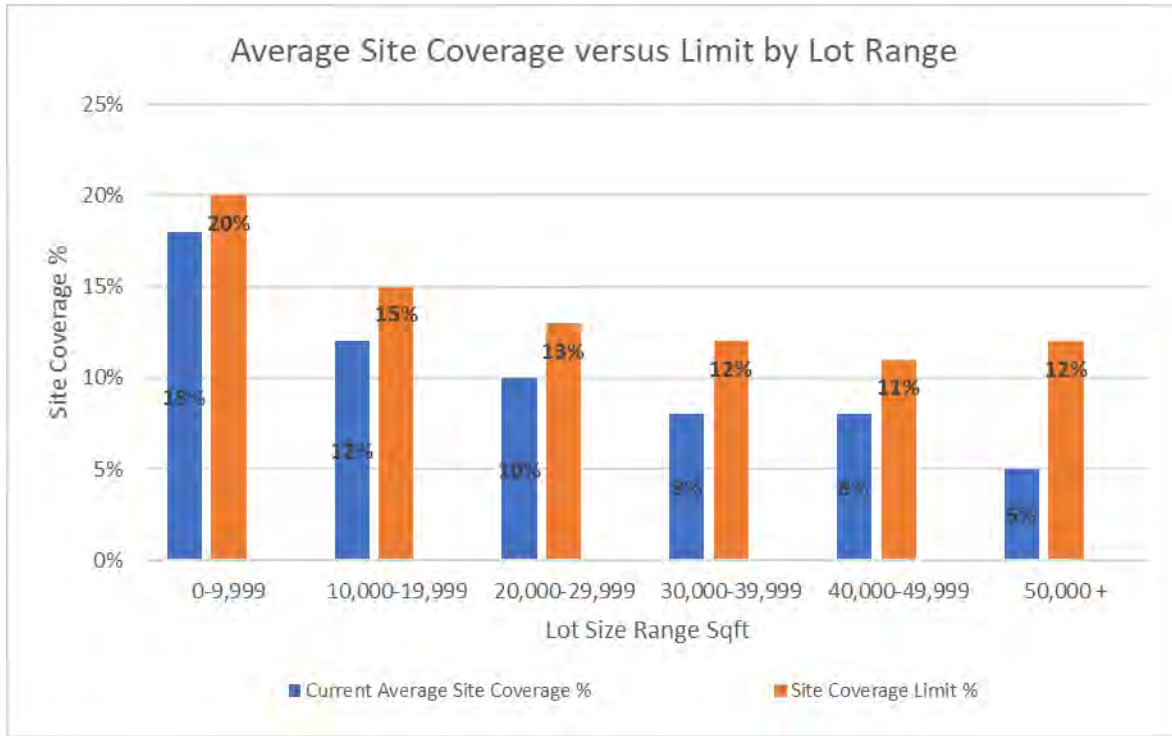
Source: Town of Eastham Planning Department

Taken together these factors are fueling increased mass and bulk of new projects in direct conflict with the goals of the Strategic Plan. Although 98% of Eastham lots have building coverage of 15% or less, recent Planning Board approvals (2016-2021) reveal a growing trend of larger homes.

It was recognized by the Task Force that future redevelopment will be necessary. With 60% of all properties over 40 years old, there will be demand for redevelopment/remodeling. The limits proposed provide growth opportunities for 80% of all property owners. For those lots already at the maximum development limit, expansion would be allowed with prescribed limits.

Additionally, the Task Force is recommending the exclusion of finished basements from the calculation of building mass. The rationale is that finished basements do not contribute to the mass and bulk of the structure visible to the surrounding neighborhood while also providing residents with on average, 1,000 square footage for internal property expansion.

The chart below compares current average site coverage to site coverage by lot size when proposed limits are applied.

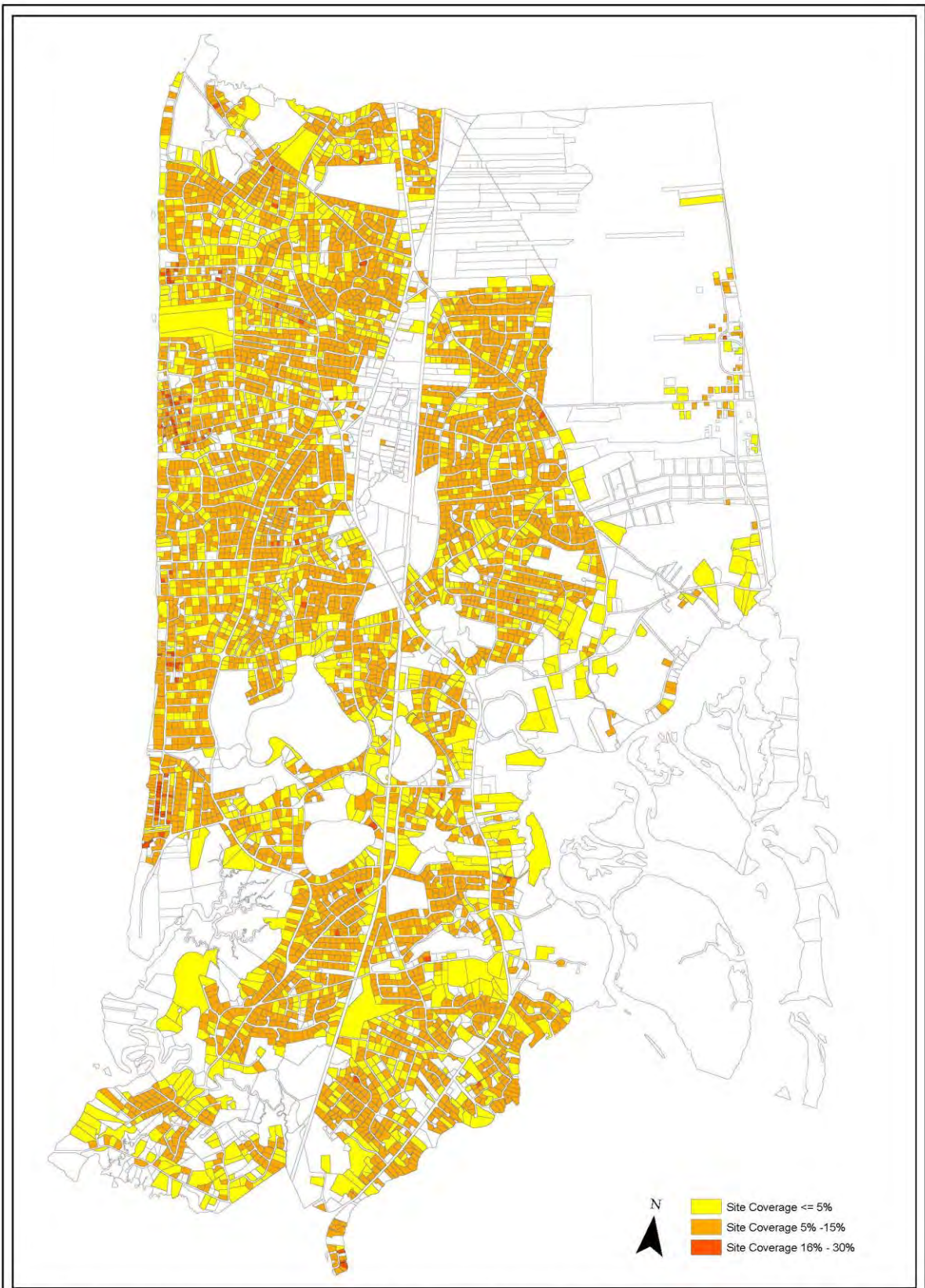


Sources: Town Assessors database dated 11/18/22

Eastham is at an inflection point regarding its future. The trends documented by the Task Force regarding larger properties is clear. However, this trend is in its early stage with only 5% of all the lots in town reflected in these larger scale type homes.

**Consequently, with 95% of the town's lots reflecting traditional massing, the limits proposed here can have a significant impact on the future development and preservation of Eastham's small-town character.**

The map below illustrates the small (red) percentage of homes that currently exceed historic site coverage limits. Conversely, the majority of lots (orange/yellow) reflect the pre-2021 average site coverage. It is lots between 5% -15% of coverage that currently define the current character of Eastham but currently have no limits to growth.



Note: Site Coverage calculations were done using assessing data for net living area for the primary dwelling only. The calculation does not account for all factors included in the site coverage ratio calculation listed in the zoning bylaw. Site coverage percentages shown on this map are approximate and may be underestimated as accessory structures have not been factored into the calculation.

**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.

# **SUMMARY OF PROPOSED ZONING AMENDMENTS**

The following section details the each of these recommendations including descriptions, purpose, data, and analysis.

## **1. Residential Development Standards**

The intent of the proposed amendment is to ensure that residential development is designed in a manner that does not overwhelm Eastham’s distinctive character as a rural seaside community and does not detract from its geographic diversity and sensitive environment. The amendment is intended to help ensure that development is compatible with past development practices with regard to mass, scale, height, bulk, site coverage, and that future development preserves the historical development patterns and character of the town in a manner consistent with the principles of Eastham’s Strategic Plan.

### **Summary**

Recommend the Town 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 create maximum site coverage and building gross floor area limits for residential development based on lot size. The site coverage limits will range between 11% - 20% with corresponding maximum gross floor areas ranging between 1,500 sf. and a maximum of 6,000 sf. The amendment also includes site coverage standards for pre-existing non-conforming structures, which may expand within the site coverage standards to the maximum site coverage percentage of the structure’s existing gross floor area.

The proposed amendment will further amend subsection 7.4.3 to include new language for the site plan review thresholds so that they will align with the proposed development standards. New language assigning the Zoning Board of Appeals as the granting authority for Site Plan Approval Special Permit and Site Plan Approval Variance is also proposed. All subsections under Section 7.4 will be re-numbered to correspond to the proposed amendments. The proposed amendment includes an exemption from the proposed amendments for projects submitted to the Eastham Planning Board and stamped by the Eastham Town Clerk prior to May 6, 2023.

## **2. Planning Board and Zoning Board of Appeals Review Criteria**

The bylaw amendments are intended to improve the site plan and special permit 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 and provide consistency between the regulatory review process of Planning Board and Zoning Board of Appeals

### **Summary**

Recommend the Town vote to amend the Eastham Zoning Bylaw Section 10 Site Plan Approval, subsection 10.3.2 Standards and Criteria and Section 4.4 Non-Conforming Uses by additional language to the Planning Board and Zoning 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.

### **3. Clear Cutting/Vegetation Management**

The Bylaw amendments are intended to encourage the preservation and protection of trees during demolition and construction activity and 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.

### **Summary**

Recommend the Town 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.

### **4. Definitions: Neighborhood & Neighborhood Character, and Buildable Upland**

The proposed changes to the regulatory definitions are intended to define the terms referenced in the various sections of the Bylaw in order 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 these terms include Clear Cutting, Diameter at Breast Height (DBH), Hazardous Tree, Invasive Species, Legacy Tree, Replacement Tree, and Understory Vegetation.

Amendments to existing definitions are proposed to align with the proposed 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. This change aligns the definition of site coverage for PB/ZBA consideration with the definition utilized by the Board of Health. The changes will also exempt basements from the site coverage calculation. These terms include Buildable Upland, Lot Area Requirements, Site Coverage and Site Coverage Ratio and Neighborhood. These amendments will provide the Planning and Zoning Boards with better context in which to review site plans and special permits.

### **5. Pool & Recreation Court Setback requirements**

The amendments are intended to address issues related to neighborhood character and the intensity of use on residential properties to reduce potential nuisance issues and preserve the rural character of the town's residential areas.

#### **Summary**

Recommend the Town 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. The proposed changes will 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.

## **Administrative Recommendations**

### **Historic Structures**

For the second year, the Task Force reviewed what zoning changes, if any, could address concerns about the preservation of historic property. Currently the only regulatory requirement is that the Historic Commission can impose a one-year demolition suspension pending review. With approximately 607 properties over 75 years in age, the standard for historic review under the Town's Demolition Delay Bylaw, there is a need to comprehensively assess this topic.

The activities that are required for such an assessment include:

1. Confirm the accuracy and completeness of the current historic properties inventory.
2. Survey of properties town wide to determine if additional historic districts are warranted.
3. Review of architectural guidelines in current historic district to determine if all or any of the standards should be codified as requirements.

4. Recommend the merits, if any, in combining the Historic District committee with the Historic Commission
5. Identification of resources and technical assistance that could support this analysis and possible reforms.

The Task Force had several conversations with staff from the Cape Cod Commission and webinars from the Massachusetts Historic Commission. This outreach revealed that there is guidance, technical support, and grant funding for this topic.

It is the Task Force recommendation that Eastham consider organizing and supporting a comprehensive assessment of its management and regulatory oversight of historic properties. Once such an assessment is complete there may be zoning changes that would be beneficial and could be considered in a subsequent year.

### **Short-Term Rentals**

The Task Force initially examined the status of short-term rentals in Eastham in response to concerns, based on reports across the country, that large investors might be engaged in property acquisition, further diminishing availability of year-round rentals.

For background, Eastham has administered, through its Board of Health, a rental registration program since 1988 which relies on standards identified in the State Environmental Code (310 CMR 15.0) and Minimum Standards for Human Habitation (10.5 CMR 410.0). The Eastham rental registration program predates the statewide legislation governing short-term rentals (*M.G.L Ch. 64G, Sec. I*). Although Eastham's program began earlier than the current legislation, it incorporates all of the tools provided in the law with the exception of a rental cap, a fixed limit on the total number of rental units to be permitted.

Eastham's rental registration program includes physical inspections, water quality testing and restrictions, based on the septic system, of the number of persons that allowed to occupy the home. Property owners who violate these requirements are subject to fines of upwards of \$300 per day.

Data provided by the Board of Health shows 1,091 rentals in 2022 slightly down from 2020 levels of 1,155. Furthermore, Health Department reports that only a handful of individuals own more than one property, and these persons are local, not national firms.

The administration of the rental program is primarily operated in a paper-based system with enforcement monitoring an administrative function conducted through internet searches of local rental advertisements. Data provided to the Task Force shows between 2-4 violations are issued each year.

From the data provided, the Task Force did not believe that instituting a rental cap was warranted at this time. In addition to not finding large scale investors targeting Eastham property market, a rental cap would involve significant reengineering of the current program. Instead, the Task Force recommends the following actions:

1. Institute an annual report to the Select Board to monitor rental activity noting any large-scale investor activity, overall rates of rentals and violations and other indicators.
2. Evaluate opportunities to computerize the management of the program and consider engagement of an outside monitoring firm to capture more comprehensively compliance with regulations.
3. Institute immediately a modification of current data collection to differentiate between seasonal (summer) rentals from year-round rentals, with further delineation of winter rentals between year-round and winter only rentals.

## Deferred Recommendations

### **Architectural Guidelines**

Working with the Cape Cod Commission the Task Force was able to review the topic of architectural guidelines governing local planning. With a few exceptions, such as existing building height limits, Eastham's guidelines are voluntary and increasingly, are not being followed.

The Task Force found interesting examples of Cape Cod based guidelines that are being adopted in neighborhood towns. The Task Force believed that this is an important topic for the clarification of prevailing local character and could support other recommendations contained in this report. However, the Task Force simply ran out of time to fully analyze this topic and propose change for Town meeting in 2023. It is the Task Force recommendation that this topic be deferred for review in 2023 and possible recommendations for 2024.

## Conclusions

There is a lack of alignment between Eastham's strategic vision for the community and the protections provided in its current zoning Bylaws. Rising home prices are fueling gentrification and displacement and this trend is anticipated to grow. At the same time Eastham has no limits on the size and mass of residential property. Additionally, Planning Board and Zoning Board of Appeals decision criteria is ambiguous and lacks specificity which impedes efforts to manage growth.

As a result, market forces and a weak regulatory structure are driving a significant increase in home size. **Positively, the emerging trend of larger homes is in its beginning stage representing less than 5% of all lots---action now to manage this growth will have broad base impact.**

With 60% of all residential property older than 40 years, redevelopment and upgrades are anticipated. The proposed development limits and associated changes in criteria and definitions offers guardrails for future development that, allow for growth, specific to lot size, that is consistent with size and scale projects allowed prior to 2021.

## Appendix

### Comparative Photos

The following are Eastham properties comparing existing mass/bulk conditions with proposed residential development standards.

#### **Lot Size: 0 - 9,999**

Current square foot averages vs. proposed square foot maximums



Current avg. 1,418 sq ft. (sample 1,434 sq ft.)



Proposed max 2,000 sq ft. (sample 2,066 sq ft.)

#### **Lot Size: 10,000 - 19,999**

Current square foot averages vs. proposed square foot maximums



Current avg. 1,824 sq ft. (sample 1,844 sq ft.)



Proposed max 3,200 sq ft. (sample 3,000 sq ft.)

**Lot Size: 20,000 – 29,999**

Current square foot averages vs. proposed square foot maximums.



Current avg. 2,294 sq ft. (sample 2,307 sq ft.)



Proposed max 3,900 sq ft. (sample 3,850 sq ft.)

**Lot Size: 30,000 – 39,999**

Current square foot averages vs. proposed square foot maximums.



Current avg. 2,823 sq ft. (sample 2,832 sq ft.)



Proposed max 4,800 sq ft. (sample 4,602 sq ft.)

**Lot Size: 40,000 – 49,999**

Current square foot averages vs. proposed square foot maximums.



Current avg. 3,253 sq ft. (sample 3,332 sq ft.)



Proposed max 5,500 sq ft. (sample 5,299 sq ft.)

**Lot Size: 50,000 +**

Current square foot averages vs. proposed square foot maximums.



Current avg. 3,578 sq ft. (sample 3,379 sq ft.)



Proposed max 6,000 sq ft. (sample 6,098 sq ft.)

# DRAFT WARRANT ARTICLES FOR 2023 ANNUAL TOWN MEETING

As of March 9, 2023

## 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 7.4 RESIDENTIAL LOT INTENSITY** as follows:

### 7.4 RESIDENTIAL LOT INTENSITY

The effective date of Section 7.4 shall be May 6, 2023. These requirements shall not apply to applications submitted to the Planning Board and stamped received by the Eastham Town Clerk prior to May 6, 2023.

#### 7.4.1 Purpose

The purpose of this section 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 compatibility 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. Development standards described herein are intended to be one criteria for consideration of proposed projects. The standards will be evaluated in conjunction with the established prevailing characteristics of the neighborhood as defined in Section 21.

#### 7.4.2 Residential Development Standards

The following standards shall apply to all residential development in District A (Residential), District E (Residential and Limited Commercial), \*District F (Seashore), District G (Water Resource Protection), District H (Wellfield Protection)

*\*Nothing in this bylaw shall be construed as altering or preempting the provisions of District F (Seashore). Owners of property located within District F are advised to consult with representatives from the Cape Cod National Seashore before seeking any permits and/or regulatory approvals from the Town of Eastham.*

**7.4.3 Site Coverage Standards**

For development that requires site plan approval and/or site plan special permit approval, maximum site coverage percentage and/or gross floor areas may not be approved if the regulatory board finds that in conjunction with the applicable standards and criteria listed under Section 10.3.2, the proposed percentages or gross floor areas are not consistent with the purposes listed in sections 7.4.1 and 10.3.1.

Pre-existing non-conforming structures may expand by multiplying the maximum site coverage percentage corresponding to the size of the lot on which such structure is located to the structure’s existing gross floor area, subject to special permit approval.

(Example: A pre-existing non-conforming 3,200 SF structure located on a 10,000 SF lot may expand by a maximum of 15% or 480 SF.)

<u>LOT SIZE</u> <u>(SQFT)</u>	<u>SITE COVERAGE LIMIT</u> <u>% or GFA (the greater of)</u>		<u>MAX BUILDING</u> <u>GFA RANGE</u> <u>(SQFT)</u> <i>For Illustration</i> <i>Purposes</i>
	<u>MAX SITE</u> <u>COVERAGE %</u>	<u>MAX BLDG GFA</u> <u>(SQFT)</u>	
<u>0 – 9,999</u>	<u>20%</u>	<u>1,500</u>	<u>1,500 - 2,000</u>
<u>10,000 – 19,999</u>	<u>15%</u>	<u>2,000</u>	<u>2,000 - 3,000</u>
<u>20,000 – 29,999</u>	<u>13%</u>	<u>3,000</u>	<u>3,000 - 3,900</u>
<u>30,000 – 39,999</u>	<u>12%</u>	<u>3,900</u>	<u>3,900 - 4,800</u>
<u>40,000 – 49,999</u>	<u>11%</u>	<u>4,800</u>	<u>4,800 - 5,500</u>
<u>50,000 +</u>	<u>---</u>	<u>6,000</u>	<u>6,000</u>

**7.4.4 Regulatory Review Requirements**

**Planning Board Approval**

**7.4.4.1 Site Plan Approval - Residential**

Site Plan Approval under Section 10 of this Zoning By-law shall be required for any addition, expansion or construction on a residential lot that meets the following requirements:

7.4.4.2 Any lot under 10,000 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 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.

~~7.4.1 Any lot between 10,000 – 19,999 square feet~~  
~~7.4.4.3 Any lot under 20,000 square feet~~  
7.4.4.3 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.

7.4.2 Any lot containing 20,000 square feet or more, where the site coverage exceeds 3,000 7.4.4.4 square feet.

7.4.3 Any lot containing 40,000 square feet or more with a deed restricted two-family dwelling 7.4.4.5 proposed in accordance with Section 7.1.2 of this By-laws.

7.4.4 Any proposed addition to or expansion of an existing dwelling or accessory structure in 7.4.4.6 District F: Seashore District must submit an application to the Eastham Planning Board under Section 11– Site Plan Approval – Residential, if the addition or expansion exceeds 200 square feet.

7.4.5 Any project resulting in an increase of 200 square feet or less of site coverage, as defined 7.4.4.7 in Section 21 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.

7.4.6 Any interior changes to existing framed structures where alterations will not result in 7.4.4.8 changes to the exterior of the building footprint or visible changes to the site are exempt from site plan review.

**7.4.9 Zoning Board of Appeals Approval**

**7.4.9.1 Site Plan Approval Special Permit**

Site Plan Approval Special Permit under Section 10 of this Zoning By-law shall be required for any addition, expansion or construction on a residential lot that is pre-existing non-conforming to the Site Coverage Standards under Section 7.4.2.1 of this bylaw.

**7.4.9.2 Site Plan Approval Variance**

Site Plan Approval Variance under M.G.L Chapter 40A Section 10 shall be required for any addition, expansion or construction on a residential lot that conforms to and seeks to exceed the Site Coverage Standards under Section 7.4.2.1 of this bylaw.

or take any action relative thereto.

By Eastham Planning Board

**Summary:**

*The intent of the proposed amendment is to ensure that residential development is designed in a manner that does not overwhelm Eastham’s distinctive character as a rural seaside community and does not detract from its geographic diversity and sensitive environment. The amendment is intended to help ensure that development is compatible with past development practices with regard to mass, scale, height, bulk, site coverage, and that future development preserves the historical development patterns and character of the town in a manner consistent with the principles of Eastham’s Strategic Plan.*

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

## 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 4.4 NON CONFORMING USES** as follows:

It shall be the responsibility of the applicant for any Special Permit to demonstrate, to the satisfaction of the Special Permit Granting Authority, that criteria including, but not limited to, the following are met:

1. Adequacy of the site, in terms of size, for the proposed structure or use;
2. Suitability of the site for the proposed structure or use with regard to the purpose and intent of the zoning district;
3. Adequacy of traffic flow management within the site as well as in relation to adjoining streets and properties so as to minimize unsafe and harmful impacts;
  - The proposed project shall provide adequate site lines for vehicles entering and exiting the property.
  - Whenever feasible, the proposed project shall provide adequate space to allow vehicles, including emergency vehicles, to turn around on the property.
4. Compatibility of the proposed structure or use with surrounding land uses so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values;
  - **Prevailing Character:** Examples of distinguishing architectural features, height, scale, massing, setbacks and average site coverage based on best available information within the neighborhood shall be considered in context with the proposed development as elements of the prevailing character of the neighborhood. Distinguishing architectural features and examples of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where feasible and where desirable.
  - **Height and Scale:** The proposed project shall be compatible with other structures on the lot and in the neighborhood and shall maintain balanced proportions in relation to building scale, height, width, roof shape and roof pitch.
  - **Massing:** The proposed project shall maintain balanced proportions in relation to the lot area and other structures in the neighborhood.
  - **Setbacks:** Where feasible and/or permitted, the proposed project shall be sited on the lot to maintain and/or enhance or if applicable, create a street front appropriate to the prevailing character of the neighborhood.
  - **Building Materials:** The exterior siding, roof, windows, doors, and trim shall be compatible with desirable and traditional materials used in the community. The use of

innovative building materials shall not be discouraged or prohibited provided they are compatible with the prevailing character of the neighborhood.

5. Adequacy of the method of sewage disposal, source of potable water and site drainage;
6. Protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies;
7. Adequacy of provision of utilities and other necessary or desirable public services;
8. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and the neighborhood;
9. Protection from degradation and alteration of the natural environment, including, but not limited to, slopes and other topographical features, vegetation, wetlands, and wildlife habitat.

or take any action relative thereto.

By Eastham Planning Board

**Summary:**

*The bylaw amendments are intended to improve the site plan and special permit 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 and provide consistency between the regulatory review process of Planning Board and Zoning Board of Appeals*

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**PLANNING BOARD RECOMENDATION:**

## Article ## Zoning

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Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 10.3.2 STANDARDS AND CRITERIA** as follows:

### 10.3.2 STANDARDS AND CRITERIA

The Planning Board ~~and in the case of Site Plan Special Permit, the Zoning Board of Appeals,~~ shall approve a site plan in the form submitted or with such reasonable conditions relating to the standards and criteria delineated in this section.

1. 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.
  - **Landscaping:** Grade changes, plantings, fencing, and other aspects of landscaping, shall be compatible with the existing natural vegetation on the lot and surrounding area. Clearing of existing native vegetation shall be minimized to the greatest extent possible. Proposed landscaping shall integrate with buildings on the lot and with abutting properties. A minimum of 50% of proposed plants shall be species native to Cape Cod and which are appropriate to the site.
2. ~~The proposed development shall relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.~~
3. Proposed development shall be ~~in harmony~~ compatible with the prevailing character ~~height and scale~~ of other buildings and uses on the site and in the neighborhood and the Town through the use of appropriate height, scale, massing, setbacks, building materials, screening, lighting and other architectural techniques.
  - **Prevailing Character:** Examples of distinguishing architectural features, height, scale, massing, setbacks and average site coverage based on best available information within the neighborhood shall be considered in context with the proposed development as elements of the prevailing character of the neighborhood. Distinguishing architectural features and examples of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where feasible and where desirable.

- **Height and Scale:** The proposed project shall be compatible with other structures on the lot and in the neighborhood and shall maintain balanced proportions in relation to building scale, height, width, roof shape and roof pitch.
  - **Massing:** The proposed project shall maintain balanced proportions in relation to the lot area and other structures in the neighborhood. The proposed project shall utilize architectural techniques to help reduce the building massing, including but not limited to the following:
    - The use of dormers, upper floor setbacks, large overhangs, porches and façade variation.
    - The use of interconnected building elements to help make the structure appear smaller than a single mass of the same volume.
  - **Setbacks:** Where feasible and/or permitted, the proposed project shall be sited on the lot in order to maintain and/or enhance or if applicable, create a street front appropriate to the prevailing character of the neighborhood.
  - **Building Materials:** The exterior siding, roof, windows, doors, and trim shall be compatible with desirable and traditional materials used in the community or found within the neighborhood. The use of innovative building materials shall not be discouraged or prohibited provided they are compatible with the prevailing character of the neighborhood.
  - **Lighting:** Exterior lighting shall be down shielded to minimize light pollution.
  - **Architectural Techniques:** Where feasible and/or applicable, the short dimension of the structure shall be oriented toward the street and garage doors shall be oriented away from the street.
4. Proposed building sites shall avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
    - Unique physical features and sensitive habitats on the site and/or in the neighborhood shall be considered in context and where feasible, shall be incorporated into the proposed project.
  5. 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.

- Where applicable, the proposed project shall demonstrate avoidance and/or mitigation of detrimental environmental impacts resulting from development.
6. The site plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
- The proposed project shall provide adequate site lines for vehicles entering and exiting the property.
  - Whenever feasible, the proposed project shall provide adequate space to allow vehicles, including emergency vehicles, to turn around on the property.
  - Whenever feasible, avoid straight entrance driveways.

or take any action relative thereto.

By Eastham Planning Board

Summary:

*The bylaw amendments are intended to improve the site plan and special permit 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 and provide consistency between the regulatory review process of Planning Board and Zoning Board of Appeals*

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

## 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 6 PROHIBITED USES** by adding a new **SUBSECTION 6.11 CLEAR CUTTING** as follows:

### **6.11 Clear Cutting**

Purpose:

To encourage the preservation and protection of trees during demolition and construction activity. To enhance the desirability and sustainability of residential neighborhoods and protect the rural character of the town and its sensitive environment. 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.

The following activities are prohibited in all zoning districts:

Undeveloped Lots: No person shall undertake Clear Cutting and/or removal of Legacy Trees as defined in this bylaw for construction and/or site development purposes on an undeveloped lot without first obtaining a foundation permit or a building permit from the Eastham Building Department.

Developed Lots: No person shall undertake Clear Cutting and/or removal of Legacy Trees as defined in this bylaw within a six (6) foot wide perimeter of the lot (*see zoning bylaw section 7.2.6 and section 10.1.4.4*) without the approval by the Town of Eastham Planning Board or its designee.

If after obtaining all necessary permits and approvals, such work is commenced and then abandoned, all areas of the site which were disturbed during construction or site preparation shall be re-vegetated in a manner sufficient to avoid erosion.

#### **6.11.1 Exemptions**

The provisions of this by-law shall not apply to the following circumstances or activities:

1. Active, existing commercial operation of agricultural and horticultural uses, including (but not limited to), tree nurseries, orchards, and botanical gardens are exempt but new operations must obtain site plan approval from the Planning Board before commencing clearing or removal of trees.
2. Routine maintenance of vegetation and removal of hazardous trees, dead or diseased limbs necessary to maintain health of cultivated plants, to contain noxious weeds and/or vines.
3. Normal maintenance and improvement of land in current agricultural use as defined in the Massachusetts Wetlands Protection Act regulations 310 CMR 10.04.
4. Maintenance to prevent or reduce the risk of fire per order of the Fire Department.
5. Any work of projects approved by the Planning Board and/or Conservation Commission for which necessary local approvals and permits have been issued prior to the effective date of this by-law.

6. Maintenance of public and private streets or town-approved roadway layouts and easements.
7. Maintenance of public utilities.
8. Removal of trees as part of a Habitat Restoration Plan approved by the Conservation Commission, The Department of Ecological Restoration and/or MA NHESP.
9. Site work reasonably necessary for conducting land survey or tests required as a condition precedent to the issuance of any permit or approval, provided such site work does not result in removal of more than 50% of existing vegetation.
10. Solar exemptions under applicable state building and energy codes.

or take any action relative thereto.

By Eastham Planning Board

Summary:

*The Bylaw amendments are intended to encourage the preservation and protection of trees during demolition and construction activity and 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.*

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

## Article ## Zoning

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To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 7.2 SETBACKS** as follows:

### 7.2.5 Detached Accessory Buildings and Structures

Setback requirements for detached accessory buildings and structures used for any purpose, in-ground and above ground pools including surrounding deck/patio areas and paved courts used for recreational purposes in Districts A, B, E, G & H, regardless of when the lot was created, shall be

- ~~a minimum separation of eight (8) feet between all buildings; and~~
- a minimum of twelve (12) feet and at least the maximum height of the accessory structure from the side and rear property lines; and
- thirty (30) from any street or way

### 7.2.6 Perimeter Vegetation

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.

or take any action relative thereto.

By Eastham Planning Board

Summary:

*The amendments are intended to address issues related to neighborhood character and the intensity of use on residential properties to reduce potential nuisance issues and preserve the rural character of the town's residential areas.*

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

## Article ## Zoning

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To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 10.1.4 PROCEDURES FOR SITE PLAN REVIEW** by adding a new **SUBSECTION 10.1.6 PERIMETER VEGETATION** as follows:

### **10.1.6 Perimeter Vegetation**

Clear cutting of vegetation within the six (6) foot perimeter vegetation setback, as defined in Section 7.2.6, 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. Any party aggrieved by Planning Board designee's determination may appeal to the Planning Board within 10 days of date of determination. The Planning Board shall utilize applicable sections of site plan approval Section 10.

or take any action relative thereto.

By Eastham Planning Board

#### Summary:

*The Bylaw amendment is intended to encourage the preservation and protection of trees, to support the public good of the overall health, safety, and welfare interests of the community, to address issues related to neighborhood character and the intensity of use on residential properties to reduce potential nuisance issues and preserve the rural character of the town's residential areas.*

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

## 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 saltwater 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~~ including 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.

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.*

or take any action relative thereto

By Eastham Planning Board

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

## Supporting Data Sets

### APPENDIX 1 CHART

Lot Size Range	# Properties	Average NLA Sq. Ft.	Net Living Area Square Feet								
			4,500 or more	4,000 - 4,499	3,500 - 3,999	3,000 - 3,499	2,500 - 2,999	2,000 - 2,499	1,500 - 1,999	1,000 - 1,500	Less than 1,000
0-9,999	183	1,118	-	-	-	-	1	4	26	66	86
10,000-19,999	487	1,324			1	4	14	38	113	149	168
20,000-29,999	3,326	1,619	1	3	8	40	150	502	1,177	1,065	380
30,000-39,999	655	1,815	1	2	10	20	61	124	218	153	66
40,000-49,999	265	1,969	-	5	9	14	29	66	65	54	23
50,000 +	259	2,139	3	2	16	18	41	54	64	44	17
<b>Total</b>	<b>5,175</b>		<b>5</b>	<b>12</b>	<b>44</b>	<b>96</b>	<b>296</b>	<b>788</b>	<b>1,663</b>	<b>1,531</b>	<b>740</b>
	100%		0%	0%	1%	2%	6%	15%	32%	30%	14%

Source: Eastham Assessing data 2022

### APPENDIX 2 CHART

Lot Size Range	# Properties	Average Site Coverage %	Site Coverage % (truncated)													total 15% or more					
			20% or more	19%	18%	17%	16%	15%	14%	13%	12%	11%	10%	9%	8%		7%	6%	5% or less		
0-9,999	12	22.4%	7			3	1				1									92%	
10,000-19,999	9	19.1%	4	1		1	1		1										1	78%	
20,000-29,999	22	14.5%	1		2	2	3	3	1	5	1	3								1	50%
30,000-39,999	15	12.4%	-	1				3	1	1	1	4	1	1	1				1	27%	
40,000-49,999	11	11.7%				1	1	1			1	2	2		2	1					27%
50,000 +	14	4.9%												1		3			10	0%	
<b>Total</b>	<b>83</b>		<b>12</b>	<b>2</b>	<b>2</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>9</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>11</b>		<b>43%</b>	
			14%	2%	2%	8%	7%	8%	4%	7%	5%	11%	4%	2%	4%	6%	1%	13%			

represents new maximum limit cutoff

Source: Eastham Assessing data 2022

## APPENDIX 4 CHART

Lot Size Range	# Properties	Average NLA Coverage%	20% or more	Net Living Area Coverage % (truncated) (as of 12/31/21)															
				19%	18%	17%	16%	15%	14%	13%	12%	11%	10%	9%	8%	7%	6%	5% or less	
0-9,999	183	14.5%	29	8	9	5	12	11	14	11	18	13	13	14	5	11	5	5	
10,000-19,999	487	8.6%	5	1	2	7	9	6	16	21	11	27	32	53	59	58	53	127	
20,000-29,999	3,326	7.2%	-	2	1	3	3	9	15	30	71	91	167	315	437	552	565	1,065	
30,000-39,999	655	5.4%	-	1	-	-	-	-	-	1	2	5	10	13	35	61	86	441	
40,000-49,999	265	4.6%	-	-	-	-	-	-	-	-	-	-	2	3	10	13	26	211	
50,000 +	259	2.9%	-	-	-	-	-	-	-	-	-	-	-	-	3	10	246		
<b>Total</b>	<b>5,175</b>		<b>34</b>	<b>12</b>	<b>12</b>	<b>15</b>	<b>24</b>	<b>26</b>	<b>45</b>	<b>63</b>	<b>102</b>	<b>136</b>	<b>224</b>	<b>398</b>	<b>546</b>	<b>698</b>	<b>745</b>	<b>2,095</b>	
			1%	0%	0%	0%	0%	1%	1%	1%	2%	3%	4%	8%	11%	13%	14%	40%	
			represents new maximum limit cutoff																
			278 homes over limit. Not considering limit floors																

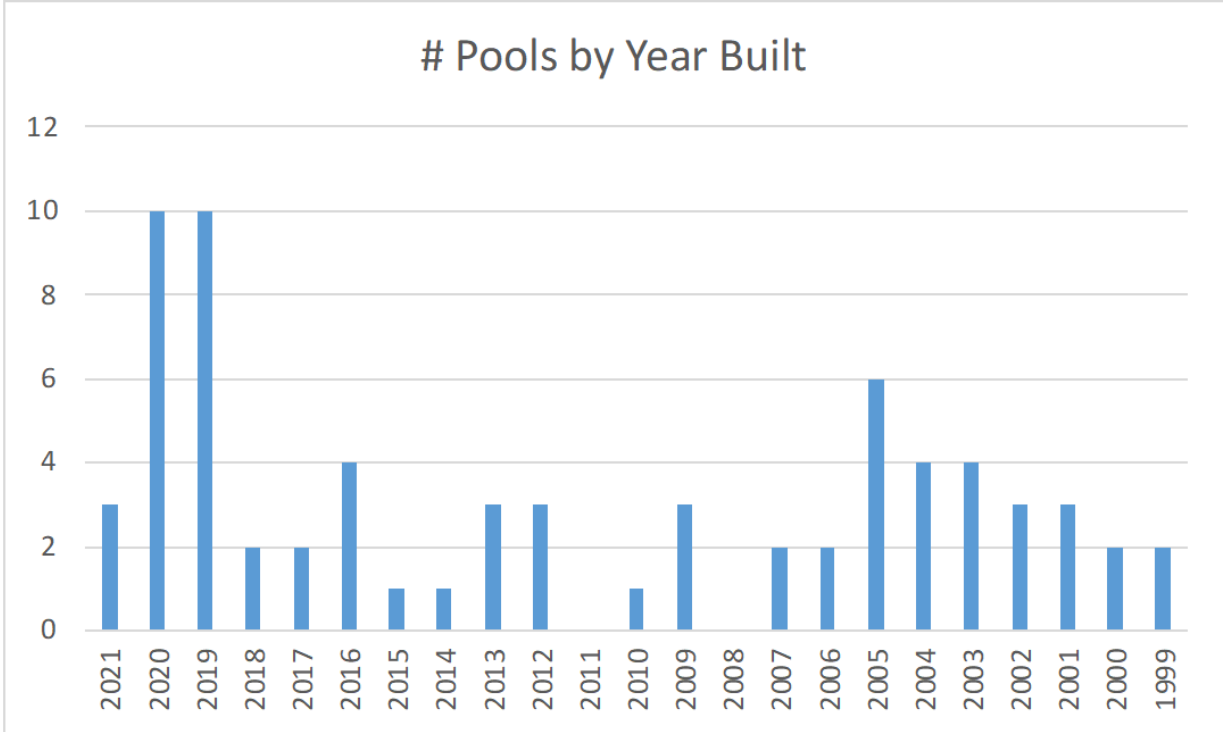
Source: Eastham Assessing data 2022

## ROOFED STRUCTURES CHART

Roofed Accessory	Estimated Dimensions	Estimated Sq Ft	0-9,999	10,000-19,999	20,000-29,999	30,000-39,999	40,000-49,999	50,000 +
Three Car Garage	36 x 24	864						X
Two Car Garage	24 x 24	576			X	X	X	
One Car Garage	12 x 24	288	X	X				
Shed	11 x 18	198		X	X	X	X	X
3 Season Porch	15 x 15	225				X	X	X
Screened Porch	20 x 15	300					X	X
As Calculated			288	486	774	999	1,299	1,587
All Other			12	14	(24)	1	(49)	(87)
Maximum Sqft Allowable			300	500	750	1,000	1,250	1,500
Average Lot Size			7,710	15,395	22,486	33,611	42,804	73,759
Lot Coverage Ratio			4%	3%	3%	3%	3%	2%
Total Average Building Sqft			1,418	1,824	2,294	2,823	3,253	3,639
% Accessory of Total Building			21%	27%	33%	35%	38%	41%

Source: Eastham Assessing data 2022

**POOL BY YEAR BUILT CHART**



Source: Eastham Assessing data 2022