

ZONING BY-LAWS SECTIONS II DEFINITIONS, III.B ZONING MAP, SECTION X.
F. APPLICATION FOR APPEALS, AND SECTION X.K SITE PLAN REVIEW OF
MUNICIPAL USES

ARTICLE 9 To see if the Town will vote to amend the Zoning By-law, Sections II, III.B, X. F, and X.K by: (1) inserting new definitions in Section II as set forth below: (2) deleting the second paragraph of Section III.B and substituting the new paragraph set forth below; (3) deleting Section X.F and substituting the new paragraph set forth below; and (4) deleting Section X.K.3 and substituting the new language set forth below and to act fully thereon:

Explanation: *These amendments (1) change the description of average grade under the "Height" definition for consistent and equitable evaluations of building permit applications by the Building Commissioner, (2) update the Zone II boundaries to those currently on file with the Department of Environmental Protection, (3) reflect recent changes to Board of Appeals application/form requirements and in-house processing as well as allowing for a more generalized description of the appeal process, and (4) add municipal uses to those subject to site plan approval.*

II. Definitions:

"Building/Structure Height: The height of a building or structure shall be calculated by averaging the distance between the lowest pre-existing grade point at the base of the building/structure and the top of said structure, and the distance between the highest pre-existing grade point at the base of the structure and the top of said structure. A structure shall include such elements as a rooftop deck, fence, railing, widow's walk, or other rooftop structure, parapet, or other attached structure. A cupola not larger than four (4) feet in width and chimneys shall be exempt from the above requirements if they do not extend more than four (4) feet in height above the roof."

For developed lots, pre-existing grade shall be determined by calculating the average of existing high and low grade points at the base of the existing/original building or structure and top of said structure, where the highest point is at a minimum of eight (8) inches below the top of foundation.

III.B. Zoning Map:

The Drinking Water Resource Protection Districts established hereunder are shown on a map labeled "DEP Zone II, Apr 2009", prepared by Cape Cod Commission GIS Services, or its successor showing the most recent Zone II boundaries as approved by the Massachusetts Department of Environmental Protection, which map(s) are on file in the office of the Town Clerk, the authenticity of said map to be established in the same manner as provided above for establishing the authenticity of the Zoning Map.

X.F. Application for Appeals

All petitions, applications and appeals to the Board of Appeals shall be made in accordance with the filing policy requirements in effect at the time of the application on forms provided by the Board of Appeals and shall be filed together with copies of all information previously submitted to the Building Inspector with or in the original application for a building permit, if any, and with the required number of copies of a site plan, as instructed on the application when a site plan is required under Section X, Paragraph K of this By-law. In addition, one (1) copy of the application material and site plan, if any, shall be submitted to the Planning Board at the time of submission to the Board of Appeals. The Planning Board shall render an advisory opinion on the application to the Board of Appeals and if no such advisory opinion is submitted by the Planning Board prior to the Board of Appeals hearing on the application, the Board of Appeals may act without such advisory opinion.

X. K. Site Plan Approval

3. Applicability

In addition to any special permit or variance required under the Table of Use Regulations, the following development activities shall require a site plan special permit from the Planning Board:

- A. Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: a commercial, industrial, multi-family, educational or municipal use, or personal wireless service facility; or the creation of a drive-up or drive-through window.
- B. Expansion or reconfiguration of an existing parking lot and/or driveway(s) in connection with a commercial, industrial, multi-family, educational or municipal use, or personal wireless service facility
- C. Establishment of any new commercial, industrial, multi-family, educational, municipal, fast food/take out restaurant or personal wireless service facility.
- D. Establishment of any new retail use(s) in the Industrial (II) Zone.

By request of the Planning Board.