

Proposed Zoning By-law  
East Harwich Districts  
Town of Harwich, MA  
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# Table of Contents

## Zoning By-law – Article XXII East Harwich Districts

§ 325-134. Purpose.....	3
§ 325-135. District boundaries.....	3
§ 325-136. District purposes .....	3
§ 325-137. Use regulations .....	4
Table 1, Use Regulations .....	4
§ 325-138. Special Permit Approval.....	8
§ 325-139. Nonconforming structures and uses.....	8
§ 325-140. Dimensional regulations .....	8
Table 2, East Harwich Dimensional Regulations .....	8
§ 325-141. Village streets.....	9
§ 325-142. Site plan approval .....	9
§ 325-143. Parking and loading requirements .....	15
§ 325-144. Concept plan .....	20
§ 325-145. Design guidelines .....	21

## Additional Zoning By-law Amendments

§ 325-51. Special permits .....	22
§ 325-55. Site plan approval.....	22

## Appendix 1: Concept Plan

Concept Plan .....	A-1
East Harwich Districts – Concept Plan .....	A-2

## Appendix 2: Design Guidelines

Guidelines for Design of Public Spaces <i>[pending]</i>	
Green Design Guidelines <i>[pending]</i>	

<u>Figure 1</u> .....	
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Town of Harwich Zoning By-law  
ARTICLE XXII  
East Harwich Districts

§ 325-134. Purpose.

The purpose of this Article XXII is to establish zoning regulations that support a vision for the future development of East Harwich. Commercial and residential uses are enabled in three complementary zoning districts with distinct development patterns and densities. A system of village streets and other routes intends to connect a unified development area. Development is concentrated in the East Harwich Districts to make efficient use of wastewater, transportation and other infrastructure.

§ 325-135. District boundaries.

This article establishes three zoning districts: the East Harwich Commercial (EH-C) District, the East Harwich Mixed Use (EH-M) District, and the East Harwich Residential (EH-R) District as shown on a map entitled "Zoning Map of the Town of Harwich, Massachusetts", dated \*\*\*.

*[Also include appropriate language in existing § 325-3, Establishment of Zoning Districts, and § 325-4. Maps]*

§ 325-136. District purposes.

A. East Harwich Commercial District

The purpose of the East Harwich Commercial (EH-C) District is to allow continuation of existing commercial uses and construction of new commercial and residential uses with interconnected vehicular and pedestrian access. Building design is important, and the district includes architectural standards that are intended to create an attractive appearance for commercial, mixed-use, and residential development.

The district includes a plan for an integrated system of connector streets. Whenever development occurs, provision of existing and future vehicular and pedestrian access to abutting parcels shall be encouraged. One available option is a village street development pattern. The village street development pattern is characterized by buildings oriented toward the street, on-street parking, sidewalk connections and related pedestrian amenities, off-street parking located behind buildings, and public green space.

Because the village street development pattern may not be practical throughout the entire district, particularly in areas with high concentrations of existing development, new development may occur along existing highway corridors, new connector streets, and elsewhere in the district as long as the development achieves the overall goal of interconnected vehicular and pedestrian access.

Residential units are encouraged on the 2<sup>nd</sup> and 3<sup>rd</sup> floor of village street buildings but also may be located throughout the district with adequate pedestrian connections.

B. East Harwich Mixed-Use District

The purpose of the East Harwich Mixed-use (EH-M) District is to enable a mix of residential and smaller-scale commercial uses at the edge of the commercial village district. Development may occur with or without the village street development pattern. For either development pattern, vehicular and pedestrian connections are encouraged within the district and to the abutting commercial village district.

C. East Harwich Residential District

The purpose of the East Harwich Residential (EH-R) District is to provide an area for high-density residential uses within walking distance of the EH-C and EH-M districts.

Residential development should be accompanied by on-site recreation areas and trail connections to public land located in the Six Ponds Special District.

§ 325-137. Use regulations.

A. Permitted uses

All uses permitted by right in the district (P), uses that may be permitted by special permit in the district (S), and uses that shall not be permitted in the district (-) are listed in Table 1, which accompanies this by-law.

B. Uses requiring special permit approval

1. Within the EH-C, EH-M, and EH-R Districts, any use listed as permitted by right in the Table of Use Regulations that includes a structure or structures with a combined gross floor area of more than 10,000 square feet shall require special permit approval.
2. Within the EH-M District, uses greater than 3,000 square feet of net floor area shall require special permit approval.
3. *[Drive-up or drive-through facilities – ADD DESIGN STANDARDS]*

C. Multiple uses are permitted on the same parcel or in the same building in the EH-C and EH-M Districts.

D. Uses similar to listed uses

A Special Permit may be granted in accordance with Section 325-138 for any use not identified specifically in the Use Table as a permitted use (or as a prohibited use under any section of the zoning bylaw) but which is of the same character and impact as those permitted within the district, provided that the Planning Board finds that the use will not be detrimental to the other uses within the district.

Table 1, Use Regulations for the East Harwich Districts

Use	District		
	EH-C	EH-M	EH-R
<b>Residential Uses</b>			
Dwelling, single-family	--	P	P
Dwelling, single-family with accessory apartment	--	P	P
Dwelling, two-family	S	P	P
Dwelling, multi-family	P	P	P
Home occupation	P	P	P
Shared elderly housing	P	P	P
Mixed-use development	P	P	--
<b>Lodging</b>			
Inn	S	S	--

Hotel or motel	S	S	--
<b>Public and Quasi Public Uses</b>			
Church or other religious use	P	P	P
Municipal use	P	P	P
Public library or museum	P	P	--
Educational use, non-profit	P	P	--
Essential service	S	S	S
Nursing home	P	P	S
Assisted living facility	P	P	S
<b>Retail Business and Consumer Service Uses</b>			
Art gallery or artisan studio	P	P	--
Auto sales	P	--	--
Educational use, for profit	P	P	--
Indoor recreation and amusement services	P	P	--
Medical clinic or medical office	P	P	--
Offices – professional, business or consumer service	P	P	--
Outdoor display for retail uses	P	P	--
Personal service establishment	P	P	--
Retail sales	P	P	--
Theater, indoor	P	P	--
<b>Food Service</b>			
Eating and drinking establishment	P	P	--
Restaurant with fast-food or take out	S	S	--
Restaurant with drive-up or drive-through facilities	S	S	--
Food Sales such as bakery, grocery, deli, fish market, farmers market or similar establishment for production and/or sale of food and beverages	P	P	--

E. Use definitions

Art gallery – An establishment used for the display or sale of works of art or craftsmanship, with no goods produced on the premises.

Artisan studio – A building or portion thereof used for the creation of original handmade works of art or craft items by individual artists on a single-piece basis.

Assisted living facility - A residential facility for the elderly or disabled that provides rooms, or individual apartments, meals, personal care, and supervision of self-administered medication. It may also have communal dining facilities and services such as housekeeping, organized social and recreational activities, transportation service, and other support services appropriate for the residents.

Church or other religious use - Any structure or use entitled to the religious exemption set forth in M.G.L. c.40A, §3.

Dwelling unit - A building or portion thereof, consisting of one (1) or more rooms containing cooking and sanitary facilities and designed for human habitation by one family independent of other facilities.

Dwelling, multi-family - A detached building containing three (3) or more dwelling units, including apartment house, garden apartment house, town house or row house.

Dwelling, single-family - A single, separate dwelling unit, designed for occupancy by one (1) family only.

Dwelling, single-family with accessory apartment - An owner-occupied residential dwelling containing a principal dwelling unit and one (1) additional dwelling unit, either attached or detached which has a net floor area not exceeding ½ of the net floor area of the principal dwelling unit but in no event more than 900 square feet and includes not more than two (2) bedrooms, a kitchen, living room and bath which are separate from and not used in common with the principal dwelling. For the purpose of this definition, such dwelling shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absence during which the owner's unit is not rented.

Dwelling, two-family - A building containing two (2) dwelling units, whether side-by-side, over each other or in any other combination provided there is a common roof or a series of roofs connecting the dwelling units.

Eating and drinking establishment – An establishment where food and beverages are prepared and sold and consumed on site primarily.

Educational use, for profit - Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

Educational use, non-profit - Any structure or use entitled to the education exemption set forth in M.G.L. c.40A, §3.

Essential service - Services and appurtenant structures, facilities, uses of equipment provided by governmental agencies, including the Town of Harwich or provided by public utility or public service companies including, but not limited to, water distribution systems, Town-owned marinas, docking areas, fish piers, off-loading facilities, retaining walls, jetties and similar structures, gas and electric distribution systems for telecommunications and sewerage systems.

Indoor recreation and amusement – Participatory-oriented recreational activities such as dance, martial arts, arts and crafts, exercise, bowling, and other pastimes conducted within an enclosed building.

Home occupation - A business, trade or profession, exclusive of real estate offices, firms or establishments, conducted in the proprietor's legal residence or within an accessory building.

Hotel - A building or complex of buildings containing thirteen (13) or more units providing transient lodging, food and other related services within which access to the individual units is provided by common interior corridors. The individual units do not have cooking facilities.

Indoor recreation and amusement services: Establishments engaged in providing amusement, entertainment, sports or leisure time activities or facilities for a fee or admission charge.

Inn - A building or complex of buildings containing at least five (5) but no more than twelve (12) units providing transient lodging accommodations, and may include food service. The individual units do not have cooking facilities.

Mixed use – A development that provides a combination of residential and commercial uses in close proximity to one another or in the same building.

Motel - A building or complex of buildings providing transient lodging accommodations with separate outside entrances for each unit. The individual units do not have cooking facilities.

Municipal use - A use, whether in a structure and/or on a parcel of land, owned and/or operated by the Town of Harwich.

Nursing home - A privately or publicly operated establishment providing maintenance and personal or nursing care for persons (as the aged or the ill) who are unable to care for themselves.

Offices – professional, business or consumer service - An office or place of business where professional, business or consumer services are offered and do not involve the sale of goods, or the keeping of a stock in trade.

Personal service establishment - An establishment primarily engaged in providing services involving the care of a person or his or her apparel. These uses include, but are not limited to beauty shops, barbershops, shoe repair, etc.

Restaurant with drive-up or drive-through facilities - Any use, which provides food products to customers at exterior stations, fixed or transient, roofed or unroofed, that is accessible by motorized vehicles. This term shall not include food service establishments where customers park their vehicles in designated parking spaces and access exterior food service tables, stations, windows, or counters without their vehicles.

Restaurant with fast food or take out - An establishment offering prepared food service in paper, plastic or other containers which can be removed from the premises, whether or not seating is available to patrons. This definition does not apply if such food is offered as wholly incidental to a conventional restaurant operation or retail food service. All such uses that pre-exist this by-law will be required to file for a special use permit, and a site plan special permit or waiver within twelve months of the effective date of this by-law.

Retail sales - The selling of goods or merchandise to the general public and providing services incidental to the sale of such goods.

Theater, indoor – A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

§ 325-138. Special Permit Approval.

A. The Planning Board is the Special Permit Granting Authority for all uses requiring special permits in the East Harwich Districts.

B. Review criteria

In addition to criteria specified in § 325-51.A, the Planning Board shall not approve any application for a special permit in the East Harwich Districts unless it finds that in its judgment the application is consistent with the purpose of Article XXII and with the purpose of the East Harwich District in which it is located.

§ 325-139. Nonconforming structures and uses.

The provisions of § 325-54 of this by-law shall apply to all nonconforming structures and uses in the East Harwich Districts.

§ 325-140. Dimensional regulations.

A. Dimensional requirements for development in the East Harwich Districts are provided in Table 2 plus attached notes, which are part of this by-law.

Table 2 - East Harwich Dimensional Regulations

	East Harwich Commercial (EH-C)	East Harwich Mixed Use (EH-M)	East Harwich Residential (EH-R)
Residential density	limited only by lot coverage	10 dwelling units per acre	8 dwelling units per acre
Building setbacks (front, side and rear)			
To a village street <sup>(1)</sup>	0 ft minimum 10 foot maximum <sup>(3)</sup>	0 ft minimum 10 foot maximum <sup>(3)</sup>	na
To a collector or major roadway	20 foot minimum <sup>(4)</sup>	20 foot minimum <sup>(4)</sup>	20 foot minimum
To other streets <sup>(2)</sup>	20 foot minimum	20 foot minimum	20 foot minimum
To other parcels <sup>(2)</sup>	20 foot minimum	20 foot minimum	20 foot minimum
Parking setbacks (front, side and rear)			
To a village street <sup>(1)</sup>	20 foot minimum and no closer to the street than the front building façade	20 foot minimum and no closer to the street than the front building façade	na
To other streets <sup>(2)</sup>	20 foot minimum	20 foot minimum	20 foot minimum
To other parcels <sup>(2),(5)</sup>	10 foot minimum	10 foot minimum	na
Building height (stories)	3 story maximum	2 story maximum	2 story maximum
Building height (feet)	42 foot maximum	30 foot maximum	30 foot maximum
Lot coverage	85%	85%	50%

NOTES:

(1) Village streets are described in § 325-141.

(2) The Planning Board may modify setback requirements during site plan review if it determines that such modification is consistent with the purpose of Article XXII and the district in which it is located.

- (3) Maximum setbacks to a village street may increase to 50 foot if a public space, as defined in **\*\*\***, is located between the building and street.
- (4) The Planning Board may decrease a setback to Route 137 or Route 39 if it determines that such roadway includes a sidewalk and/or on-street parking and will function in the same manner as a village street.
- (5) The Planning Board may eliminate setback requirements to other parcels if shared parking is approved as part of site plan approval and if an easement is provided to guarantee shared use of the parking areas.

#### § 325-141. Village Streets

Overall characteristics. The village street development pattern consists of interconnected streets that provide access directly to parcels that front on such streets. This pattern includes street rights-of-way with vehicle travel lanes, on-street parking and sidewalks. Principal building facades are oriented and aligned along the street with minimal setbacks to create a sense of street enclosure. Frequent building entries that open onto the sidewalk along the street encourage pedestrian flow between buildings. This street pattern avoids disruptions of pedestrian flow caused by long blank walls, single-use residential or office buildings with widely spaced building entries, and parking areas between a building and the street. Off-street parking is located away from the street, normally to the rear of buildings.

A village street is intended to be an enjoyable place for customers, employees, residents and other users of the street to walk. The pattern is supported by attractively designed buildings, street trees, other landscaping, street furniture, and parks.

The village street pattern is intended to support a mix of commercial and residential uses. Residential units are encouraged on the 2<sup>nd</sup> and 3<sup>rd</sup> floor of village street buildings but also may be located throughout the district as long as pedestrian connections are provided.

Continuation of village streets between adjacent properties intends to provide for convenient movement of traffic, effective fire protection, efficient provision of utilities and common access for compatible uses.

#### § 325-142. Site plan approval.

##### A. Requirements of other sections

Site plan approval for any development in the East Harwich Districts shall follow the provisions of § 325-55 and §400-16 in addition to the requirements of this section.

##### B. Site access

Development of a site shall be designed to facilitate both vehicular and pedestrian access. Site design shall consider the property's relationship to adjacent parcels; and interconnected streets, driveways and sidewalks shall be provided wherever possible.

##### 1. Village streets

The use of village streets is encouraged to provide a cohesive, pedestrian-scale form of development. Village streets shall contain vehicle travel lanes, on-street parking, curbs, sidewalks and street trees as depicted in Figure 1. Village streets may be public or private subject to the provisions of Section **\*\***.

Village streets shall be designed to connect to adjacent parcels.

2. Private driveways

Private driveways shall provide convenient access to serve on-site buildings, parking lots and service areas. Additionally, driveways shall be located to facilitate connections to adjacent parcels.

Entries and exits shall be sufficient to allow on-site access but shall be limited in number to minimize conflicts with pedestrians travel. Generally, access points shall not be located within 200 feet of each other or within 200 feet of a street intersection. No development shall have more than one driveway access onto Route 137 or Route 39.

3. Pedestrian connections

Sidewalks shall be provided along village streets and on-site between streets, driveways, parking lots and buildings. Additionally, pedestrian connections shall be provided to adjacent parcels.

C. Building orientation

1. Buildings fronting on village streets

Principal building facades shall be oriented and aligned along the street with minimal setbacks to create a sense of street enclosure. Buildings shall have frequent entries that open onto the sidewalk along the street to encourage pedestrian flow between buildings. To avoid disruptions of pedestrian flow, buildings shall not have long blank walls, single-use residential or office buildings with widely spaced building entries, or parking areas between a building and the street.

2. Buildings served by private driveways

Buildings shall be located to facilitate safe pedestrian movement from parking lots to buildings and between adjacent parcels. In many cases, private driveways may serve the same function as village streets with buildings having minimal setbacks and frequent entries to encourage pedestrian flow.

D. Building design

1. Building height

One-story buildings shall have a front elevation of at least 15 feet and incorporate vertically proportioned features to create the appearance of a taller building. One and one-half story and taller buildings are preferred because they provide greater street enclosure and follow traditional village forms.

2. Massing of large building forms

Building footprints over 10,000 square feet shall break down the mass into smaller components and/or integrate smaller tenant spaces into the front of the building so that the front facade resembles connected village street buildings. For multiple building masses, the narrow façade of building shall generally be oriented to face the street to create variety in building uses and visual interest along the sidewalk.

3. Roof forms

Buildings with pitched roofs shall have a primary roof form with a slope of at least 7:12. Buildings or portions of buildings with a flat roof shall have an articulated

cornice or other architectural treatment that appears as an integral part of the building from all visible sides of the building. Pitched roofs, including gable, shed and hip roof forms, are preferred because they are more traditional village forms. The principle roof slope shall be a minimum of 9:12, following traditional regional building forms.

#### 4. Varied roof lines

Long unbroken expanses of roof shall be avoided by varying the height of the roof line at both the roof peak and at the eaves. To break up the roofline on a large building, different roof forms on different parts of the building shall be used. Non-functioning dormer windows, cupolas, towers, and similar details are strongly discouraged as a means of breaking up the roofline. Functioning dormers or skylights that allow natural light into the building are encouraged.



#### 5. Façade variation

Blank building walls longer than 30 feet without an opening that are adjacent to streets, residential neighborhoods, and to open spaces are discouraged. Long façade lengths shall be broken up by varying the wall plane and by articulating the base, middle, and top of the façade or different segments of the building façade with architectural trim and changes in the surface materials. For large buildings where multiple window and door openings are impractical, liner buildings that have articulated building facades shall be used to screen blank walls from the street and public spaces. All facades visible from public streets, parking areas or green spaces shall have characteristics similar to the front façade of the building.



6. Door and window openings

Door and window openings shall be vertically proportioned, except for storefront windows, consistent with traditional building design, drawing their proportions from the façade length and height. All windows, except storefront windows, shall be operable.

7. Arcades and canopies

Arcades and canopies are encouraged and shall be used to connect buildings to one another so that a person can walk from place to place with some shelter. Each canopy shall be distinct from its neighbors, and continuous awnings with no change in height, color, or material over several stores are discouraged. Arcades and canopies may be located within the front yard setback area as long as they do not interfere with pedestrian walkways and mobility.

8. Building elements in the front setback area

Awnings, balconies and architectural features may project into the front setback in all districts. In the EH-M District, porches, stoops, fencing and similar structures may be located within the front setback area.

9. Residential entries

Residential entries shall be identifiable and prominent. Entries shall be marked by raised stoops, porches, overhangs or other architectural features. Primary entries for multi-family buildings with shared corridors shall be ADA accessible as required by code. Mixed-use buildings with secondary entries to access residential units shall identify the residential entry with one of the features noted above.



10. Commercial entries

Main entrances shall be located along front facades and shall incorporate architectural features that draw attention to the entrance. These features may include covered porches, porticos, recessed doorways and awnings. Commercial entries shall be flush with the exterior grade.



### 11. Garages

Garages, both attached and detached, shall be subordinate in size, height, and location to the principal building and shall be located behind the front façade of the principal building. In the EH-M District, access to garages by rear alleys is encouraged.

### 12. Exterior materials

Industrial materials such as unfinished concrete, sheet metal, vinyl and plastic synthetic siding are discouraged along streets and public areas.

Materials and building treatments shall be consistent and compatible with traditional New England design, with a preference for natural materials such as brick, stone, wood/ concrete clapboards and shingles. Where more than one material is used, naturally heavier materials such as stone or brick shall be located below naturally lighter materials such as wood. Changes in materials shall be made along a horizontal line, such as at the 'water table' line above the foundation, or at a floor level. High-quality materials shall be used on all building facades where pedestrian activity is high, and along all principal village street facades.



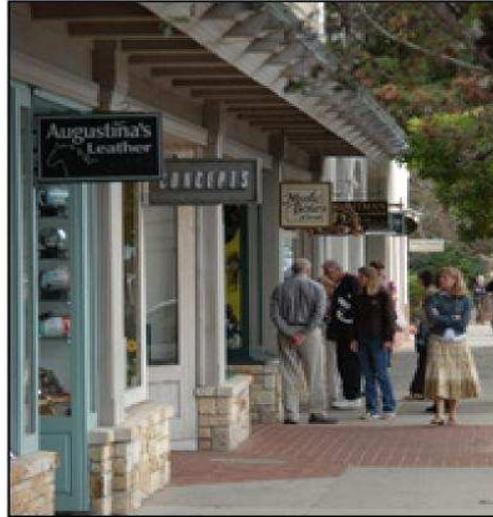
Compatible Building Materials

### 13. Roof-mounted equipment

Equipment mounted on roofs shall be screened from public view by the use of architecturally compatible materials or grouped at the rear of the structure where visibility is limited.

#### 14. Signage

Building signs shall be either flush or perpendicular to the building wall, and placed within a sign band just above the first floor windows or above the doorway. Flat wall signs shall have horizontal proportions and shall not protrude above the sill line of the second floor. Projecting signs shall be placed above the doorway.



#### E. Landscaping

1. Street trees. New development shall provide a minimum of one 3" caliper tree at 40-foot intervals on both sides of new village streets. Where necessary, spacing exceptions may be made to accommodate curb cuts, fire hydrants, and other infrastructure elements, but exceptions shall not deviate from the street standard any more than is necessary.

Tree wells in planting boxes shall be located within the 9' wide sidewalk area along village streets.

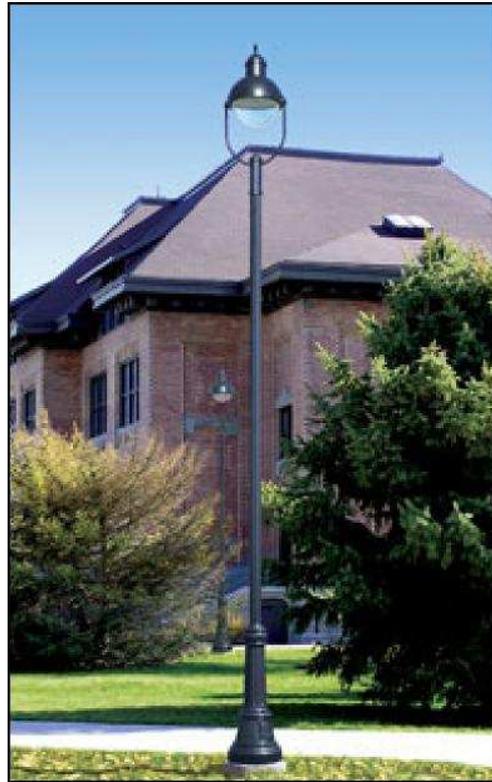
Trees shall be chosen for visual interest, hardiness and site suitability. They shall be uniform on each block of a village street.



2. The Planning Board may apply the street tree requirements of Section 325-142.E.1 to private driveways that perform a similar function to village streets.
3. A minimum of 15% of a building's front setback area shall be landscaped with low-growing shrubs and plantings.
4. Landscaping and screening for parking and loading areas shall be provided in accordance with § 325-145 of this by-law.

F. Lighting

In addition to the requirements of Article XXI of this by-law, all outdoor lighting in the East Harwich Districts shall comply with the following: (a) light poles shall not exceed 15 feet in height and (b) light posts and fixtures shall be decorative in nature and shall not use standard industrial-finish poles or shades.



G. Modification of standards

The Planning Board may modify any standard associated with site plan approval in the East Harwich Districts if it determines that such modification is appropriate for an individual site and is consistent with the purposes of Article XXII and the district in which it is located.

H. Approval

Site Plan approval shall be granted upon determination by the Planning Board that the requirements listed in this section and in § 325-145 have been satisfied. The Planning Board may impose reasonable conditions to ensure compliance with these requirements.

§ 325-143. Parking and loading requirements.

*Discussion is needed as to whether this section should apply to the entire town and replace article IX of the existing zoning by-law.*

A. Purpose

Parking requirements for the East Harwich Districts are intended to balance the need for adequate parking for uses within the district with the need to minimize harm resulting from the provision of parking, and to avoid the negative impacts of excessive parking lot construction.

B. Applicability

No building permit or certificate of occupancy shall be issued for the construction of a new building, the increase in net floor area of an existing building, or the change from one land use to another, unless parking spaces are provided in accordance with the parking requirements of this bylaw. Non-conforming parking lots shall be brought into conformity with the requirements of this Section 325-143 whenever a Site Plan or Special Permit application is filed for an expansion or change of use.

C. Review procedure

The Planning Board, through Site Plan Approval or Special Permit review, shall determine compliance with the requirements of this section. The Building Commissioner shall determine compliance with the requirements of this section for development that is not subject to Site Plan Approval or Special Permit review.

D. Minimum parking for residential uses

Single Family and Two-Family Dwellings	1.5 space per unit
Multi-Family Dwellings	1.0 space per unit
These requirements may be reduced for dwelling units with less than 1,000 s.f. net floor area, senior citizen housing, mixed use development, or other appropriate circumstances if the Planning Board determines that such reductions are warranted.	

E. Parking requirements for non-residential uses

1. The number and layout of parking spaces shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to environmental resources. Since non-residential uses vary widely in their need for parking, off-street parking requirements shall be based on the specific operational characteristics of the proposed uses. The parking standards in §325-143.E.2 below shall be applied and may be varied by the Planning Board according to the criteria in Subsection §325-143.E.3 below.

2. Parking standards

Land Use	Number of Spaces
Retail or service business uses	3 per 1,000 s.f. enclosed floor space, excluding space for storage
Art Gallery	2 per 1,000 net floor area
General Office	3 per 1,000 s.f. net floor area
Medical Office	4 per 1000 sf. net floor area
Lodging Facility	1 space per bedroom plus 1 space for each non-resident employee and 1 space for every 200 s.f. of floor space for meetings and functions.
Nursing Home	1 per 3 beds/units

Restaurants, theaters, and other places of public assembly	1 for every 3 seats
Food stores and supermarkets	3 per 1,000 s.f. enclosed floor space, excluding space for storage
Personal Services	3 per 1,000 s.f.
Day Care Centers	1 per 4 children @ maximum capacity
Museums and Libraries	2 per 1,000 s.f.
Public and Private Educational Institutions	1 per 3 seats in classroom
For uses not listed in this table the parking standards shall be based on similar uses and as appropriate to circumstances.	

F. Criteria for applying parking standards

In applying or modifying the parking standards for any proposed use, the Planning Board or Building Commissioner shall consider:

1. The maximum number of vehicles that would actually be parked at the use at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated peak demand. The likelihood of people walking, bicycling, or carpooling to the proposed use shall be taken into consideration.
2. The size of the structure and the site.
3. The environmental or scenic sensitivity of the site (including applicable limitations on impervious surfaces). In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the Planning Board may require a reduction in the size of the structure so that available parking will be sufficient.
4. The availability of safely usable on-street parking.
5. The availability of off-site off-street parking within 500 feet that is open to the public, owned or controlled by the applicant, or available on a shared-use basis, provided that the applicant dedicates such off-site land for public parking or demonstrates a legal right to shared use.
6. The requirements for parking for the disabled as prescribed by the Americans with Disabilities Act.

G. Parking location and materials

1. On-street parking. Parking spaces along village streets shall be provided as shown in Figure 1. Parking spaces along the street shall be set back from crosswalks and intersections by a minimum of 6 feet. Parallel parking is encouraged, but angle parking may be appropriate with sufficient road width. Distinctive pavement materials or permeable pavement is recommended to distinguish on-street parking areas from travel lands.



On-street Parking – Commercial or Mixed-Use



On-street Parking – Residential

2. Off-street parking. Off-street parking shall be located between a building and a village street. All other off-street parking areas shall be located to minimize adverse visual impacts (see landscaping requirements of Section 325-143.J) and to accommodate good pedestrian flow (see Section 325-143.K).

H. Set-aside for future parking

The Planning Board may, as a condition of reducing the minimum parking standards, require an applicant to set aside land to meet potential future parking needs. Such land may remain in its natural state or be landscaped, but may not be used in a manner that would prevent it from being developed for parking in the future.

H. Parking lot stormwater management

1. LID techniques including vegetated swales, rain gardens or bioretention facilities, permeable pavers, infiltration facilities and Best Management Practices shall be incorporated into parking lot design to enhance stormwater management and reduce impacts.
2. The Planning Board shall require that all applicable LID Parking Area Design criteria listed in Subsection 3(a) are followed unless it finds, upon petition from the applicant, that the successful implementation of a LID parking area design is infeasible or would impose an undue hardship on the applicant. Where the Planning Board makes such a finding, the requirements of Section §325-145.I.4 Conventional Parking Lot Design shall apply. Evidence that may be used by an applicant to demonstrate the infeasibility of implementing LID techniques on a site may include, without limitation:
  - a. The presence of subsurface geologic conditions such as large quantities of poor fill;
  - b. Applicant does not own existing lot to be used for off-site parking allowances;
  - c. The presence of soil contamination; and/or
  - d. Existing topography or site geometry.

3. Low Impact Development (LID) parking area design criteria

- a. Applicants shall provide the following information for LID parking lot design. (NOTE – LID is a land planning and engineering design approach to managing stormwater runoff. LID emphasizes conservation and use of on-site natural features to protect water quality.) This information shall be prepared by a Massachusetts registered Professional Engineer and shall comply with the design and implementation guidelines provided in the latest version of the Massachusetts DEP Stormwater Management Manual. Where portions of the parking lot are not using LID techniques, the standards for Conventional Parking Lot Design in Section 325-145.I.4 shall apply.
- 1) Delineation of all drainage areas inclusive of areas outside of the parking envelope that will contribute stormwater runoff to the parking area;
  - 2) Proposed topography at two-foot contour intervals;
  - 3) Site Plan showing drainage pathways and locations of proposed Best Managements Practices (BMP);
  - 4) Typical profiles of BMPs;
  - 5) Sizing calculations for BMPs that demonstrate adequate conveyance and/or water quality treatment of the first half inch of stormwater runoff from impervious surfaces;
  - 6) Sizing calculations for BMPs that illustrate proposed management of runoff resulting from 2-year, 10-year, and 100-year event;
  - 7) List of plantings associated with vegetated BMPs;
  - 8) Location of areas reserved for snow storage;
  - 9) Location of any screening between residential and non-residential properties. Buffer zones shall be a minimum of [six (6) feet] in width and shall substantively screen the site from view through the use of evergreen vegetation at least six feet in height. Fences may be used as part of screening but shall not include chain link fences. These requirements shall not apply to non-residential or mixed use development that are designed to integrate existing or future neighboring residences into the site through the use of walkways, bicycle paths or other pedestrian amenities.
  - 10) Location of test pits, depth to seasonal high ground water and soil percolation rates for those areas designated for recharge;
  - 11) An Operation and Maintenance (O&M) Plan shall be submitted by the applicant to the Building Commissioner or Planning Board that conforms to the standards for O&M Plans detailed in the Massachusetts DEP Stormwater Management Manual.

4. Conventional parking area design criteria

Where the Building Commissioner or Planning Board has found that LID parking area design is infeasible or would impose an undue hardship on the applicant in accordance with Section 325-143.I.2, parking areas shall comply with Section 325-42.J of the Harwich Zoning Bylaw and also meet the following requirements:

- a. Buffer area. Landscaping shall be required between non-residential uses or mixed-use developments and existing or future residential development areas. Buffer zones shall be a minimum of [twelve (12) feet in width and shall

substantively screen the site from view through the use of evergreen vegetation at least six feet in height. Fences may be used as part of screening but shall not include chain link fences or fences greater than 3 feet in height. These requirements shall not apply to non-residential or mixed use development that are designed to integrate existing or future neighboring residences into the site through the use of walkways, bicycle paths or other pedestrian amenities.

- b. For lots with 10 spaces or more, at least 10% of the parking lot shall be landscaped open space.

I. Landscaping

All parking areas shall be designed to avoid long, uninterrupted rows of vehicles by breaking them into separate parking lots divided by tree lines, alleys, pedestrian areas, or buildings. Parking lots containing more than 40 spaces shall be divided into smaller areas by landscaped islands at least 15 feet wide located no more than 120 feet apart. All islands shall be planted with 3-inch minimum caliper shade trees at a density of at least one tree for every 20 linear feet of island. Parking lots containing less than 40 spaces shall provide at least one 3-inch minimum caliper shade tree per 8 spaces.

J. Pedestrian access design standards

Provision for safe and convenient pedestrian access shall be incorporated into landscaping plans for any parking area with 20 spaces or more. This shall be clearly shown on all site plans. Any parking lot designed, constructed, and maintained, as part of a development must be designed such that the flow of pedestrians can be directed through a system of safe and convenient routes that bring them to central walkways leading to main entrances. All walkways shall be constructed to provide for:

1. Safe separation of all walkways from motor vehicle traffic through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and/or driving aisles.
2. Safe, well-articulated pedestrian crossings demarcated with pavement markings, pedestrian warning signs, and lighting.
3. A minimum width of 4 feet.
4. Inclusion of plantings, benches, and lighting along walkways and at all pedestrian crossings.

K. Loading areas

Building service and loading docks shall be located to the rear of a building following the village street pattern as described in § 325-143 and to the rear or side of all other buildings. Service and loading docks shall not face public streets, parks or public gathering spaces. Service and loading docks shall incorporate effective techniques for visual and noise buffering from adjacent uses, using means such as fencing, landscaping or decorative screening. Garages and garage doors shall not be located on the front façade of a building in the EH-C district. This requirement does not preclude allowance for temporary loading zones along village streets, where appropriate.

§ 325-144. Concept plan.

The East Harwich Concept Plan illustrates one possible layout of future streets in the district. A street laid out as shown in the concept plan that complies with the requirements in Section 325-141 shall be deemed to be a street that follows the village street pattern. An alternate

street location also may be considered as long as it satisfies the purposes of Article XXII and the district in which it is located as well as the intent of § 325-141.

The East Harwich Concept Plan is attached to this by-law as Appendix 1.

§ 325-145. Design guidelines.

Design standards are provided in § 325-142.D, § 325-142.E and § 325-142.F. In addition to these standards, the Planning Board shall consider the following design guidelines during its review of applications for Special Permit and/or Site Plan Approval.

*Consider us of the Green Bldg and Park standards from the EHVC Handbook.*

*Illustrated design guidelines are attached to this by-law as Appendix 2.*

Additional Zoning By-Law Amendments  
Accompanying ARTICLE XXII

§ 325-51. Special permits. *[exception in the 1<sup>st</sup> paragraph for East Harwich Districts is new]*

- N. Two-family dwelling. Special permits for two-family dwellings may be granted upon a determination by the Planning Board that the following additional criteria have been met, except that criterion 1 and 2 shall not apply to the East Harwich Districts in Article XXII.
1. The lot area shall contain a minimum of 40,000square feet of contiguous upland in all applicable zoning districts; however, in the Drinking Water Resource Protection District (WR) the minimum lot area shall be 60,000 square feet of contiguous upland.
  2. The floor area for each dwelling unit shall be a minimum of 800 square feet.
  3. A common roof or a series of roofs shall connect the dwelling units.
  4. There shall be two off-street parking spaces per each unit.

§ 325-55. Site plan approval. *[replaces existing section in its entirety]*

A. Purpose

The purpose of Site Plan Approval is to provide for detailed review of the design and layout of proposed development that could impact the visual character of the Town of Harwich and the environment, traffic flow, utilities and services therein. The Site Plan Approval process allows the Planning Board to ensure that a proposed project satisfies general safety, health, and welfare standards of the Town as well as specific requirements of this bylaw.

B. Applicability

The following types of development require Site Plan Approval by the Planning Board:

1. Construction, exterior alteration or exterior expansion of, or change of use within, a non-residential use.
2. Construction, exterior alteration or exterior expansion of, or change of use within, a residential use with three or more dwelling units.
3. Under §325-55.H the Planning Board may vote to waive an applicant's need to submit an application for site plan review if the board finds that the proposed changes to the site are minimal and do not require site plan review.
4. Applications that require a special permit shall also include a site plan, and in such cases site plan review and special permit review shall occur as a single development approval review and approval process under the rules and procedures for special permits.

C. Level of review

1. Level 1 review is intended as a simplified submittal which does not necessitate professional preparation of application materials. Level 1 submittals apply to any application for an addition of less than [2,000] square feet gross floor area to an existing structure with less than 10 new parking spaces. An applicant may request and the Planning Board may grant permission for a Level 1 submission for larger projects through a pre-application review (See Section 325-55.D).
2. Level 2 review is intended as the standard submission and requires preparation of plans by a licensed professional.

D. Pre-application review

Applicants are encouraged to submit a pre-application sketch to the Planning Department and schedule a Pre-Application Review meeting with the Planning Board prior to investing in extensive professional design efforts for site plans. Such preliminary review may help identify general approaches and allow for exploration of potential problems at an early stage. Sketches, which need not be professionally prepared, are intended to initiate the discussion and do not need to show all of the information required for a formal site plan application. At this review, the Planning Board may vote to waive the applicant's need to submit an application for site plan review in accordance with 325-55.B.3 or may waive certain submission requirements in accordance with 325-55.H.

E. Procedures

1. Applicants for site plan approval for uses allowed by right shall submit copies of the site plan to the Planning Board for review in accordance with the Planning Board Rules and Regulations Governing Subdivision of Land and Site Plan Review, as amended. The Planning Board shall review and act upon the site plan, with any conditions deemed appropriate, within 45 days of its receipt of a plan submitted under §325-55.C.1, Level 1 or §325-55.C.2, Level 2, and shall notify the applicant of its decision within two business days of the decision. The decision of the Planning Board shall be by vote of a majority of those present at a meeting and shall be in writing. No building permit or certificate of occupancy shall be issued by the Building Commissioner without written approval of the site plan from the Planning Board, or unless 45 days lapse after the date of submittal of the site plan without action from the Planning Board. A site plan application for a use allowed by right may only be denied if the Planning Board finds that it does not comply with applicable provisions of the Zoning Bylaw or that it lacks sufficient information to make such a finding, as provided in subsection (I) below.
2. Application for a Building Permit. An application for a building permit to perform any of the activities listed under §325-55.B allowed as-of-right shall be accompanied by an approved site plan.
3. Application for a Variance. A variance granted for an activity listed under §325-55.B shall contain the following condition: The work described herein may not commence without the approval of a site plan by the Planning Board pursuant to §325-55 of the Zoning Bylaw.
4. The Planning Board shall consolidate its site plan review and special permit procedures for proposals that require both Site Plan Approval and Special Permit authorizations.
5. An extension to the time limits set forth herein may be granted by majority vote of the Planning Board.
6. No deviation from an approved site plan shall be permitted without modification thereof by site plan amendment, which shall be reviewed and approved according to the procedures in this subsection E.

F. Coordination with other boards

The Planning Board shall seek advisory review and written comments from other Town boards, commissions, committees and departments for any site plan submitted under § 325-55.C. The site plan shall be distributed to all Town entities deemed appropriate by the

Planning Department or as directed by the Planning Board. Failure to respond within 14 days shall indicate approval by said Town entity.

G. Contents of plan

1. Level 1. A site plan shall be submitted that accurately and in detail acceptable to the Planning Board shows all relevant site conditions and proposed changes. Dimensions and scale shall be adequate to determine whether all requirements are met. The plan may be prepared by the applicant; however, the Planning Board may require the submission of information prepared by a licensed professional if the Board determines that such information is necessary to make an informed decision. Such determination shall require a quorum present and a motion carried by a majority of the Board members present. Plans shall show the following, unless waived by the Board:
  - (a) Boundary line information pertaining to the land sufficient to permit location of same on ground.
  - (b) Dimensions and locations of all existing and proposed structures.
  - (c) General description of the existing topography, including any proposed grading changes.
  - (d) Parking, loading areas, access and egress provisions.
  - (e) Storm drainage, including direction of flow and means of ultimate disposal.
  - (f) Provisions for sanitary sewerage and water supply, including fire protection measures.
  - (g) Location of all utilities, signage, lighting, outdoor storage and trash disposal areas.
  - (h) Existing and proposed planting, landscaping and screening.
  - (i) Wetlands
  - (j) All easements, restrictions and covenants.
  - (k) Compliance with all applicable provisions of this article and copies of any previously issued variances or special permits running with the property.
2. Level 2. Site plans are subject to all submittal requirements listed in Harwich Subdivision Code Section §400- Appendix 4a, (Requirements for Application, Special Permit and Site Plan Review) and shall be prepared by a licensed architect, landscape architect, engineer or land surveyor unless the Planning Board in accordance with §325-55.H determines that certain plan requirements are not necessary to provide and may be waived.

H. Waiver of submission requirements

The Planning Board may, upon written request of the applicant, waive any of the requirements of this section where the proposed project involves relatively simple development plans.

I. Approval

Site Plan approval shall be granted upon determination by the Planning Board that the requirements listed in this section have been satisfied. The Planning Board may impose reasonable conditions to ensure compliance with these requirements. The Planning Board may deny approval of a site plan for a use allowed by right only on the grounds that the application materials or plan contents required under this Section § 325-55.G have not been submitted and/or were not submitted at the appropriate time.

## APPENDIX 1: CONCEPT PLAN

The East Harwich concept plan envisions a series of streets to encourage interconnected development throughout the districts. The primary street locations are in the northeast and northwest quadrants. Additional extensions are available to the west, south and east.

In the northeast quadrant, the existing Auston Road is suitably located to serve as a connector street. This street currently provides access to a single undeveloped parcel to the north. South of Auston Road, coordinated development could be accomplished via consolidation of several individual parcels and provision of an access easement to Auston Road.

In the northwest quadrant, the ideal location for a connector street extends directly west from Auston Road. Coordination would be required between two property owners, and redevelopment opportunities exist both north and south of this street location.

After construction of an initial east-west connector street, an intersecting north-south connector may be located along the boundary between the EH-C and EH-M Districts. With the cooperation of several property owners, this street may extend to the Halls Path Connector to the north and Route 39 to the south. This street will provide additional access to the rear of several long parcels fronting on Route 137 and will provide primary access for several parcels in the EH-M District.

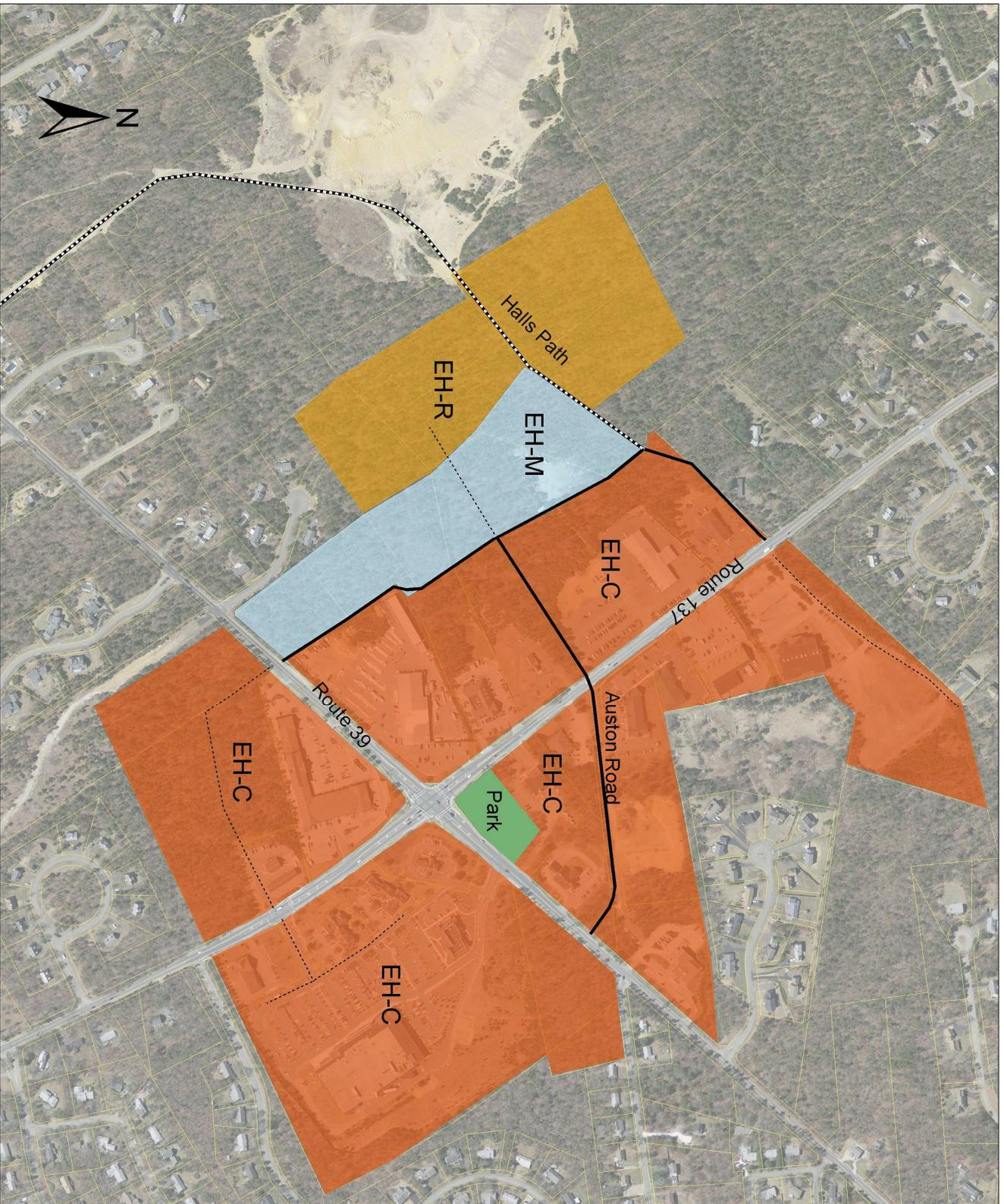
The Halls Path Connector follows the approximate location of an ancient way and provides a connection between Routes 137 and 39 northwest of the East Harwich Commercial District. The initial portion of the Halls Path Connector between Route 137 and the EH-M District will complete an interconnection through the entire northwest quadrant. A westerly extension will provide access to the EH-R District. As development in East Harwich proceeds, the extension of the Halls Path Connector to Route 39 will provide a valuable bypass road to reduce congestion in the central district.

Cooperation with property owners is critical to the success of the connector street system. The proposed connector in the northwest quadrant across from Auston Road straddles separate parcels to the north and south. The extension of the north-south connector to Route 39 crosses separate parcels under common ownership. In both cases, the landowner must be involved in determining whether the street may be built as shown on this plan or whether suitable alternatives should be considered.

In addition to providing interconnected access throughout the district, these streets are well located to support the village street pattern. Design characteristics of the village street are described in § 325-141 of the Harwich Zoning By-law.

Several possible future extensions of the collector street system also are depicted on the concept plan.

The concept plan depicts a centrally located park on a parcel currently owned by the Town of Harwich at the northeast corner of Routes 137 and 39. Other village green space is desirable within the East Harwich Districts including centrally located greens, pocket parks and greenways as described in design review guidelines in Appendix 2. Additional greenways, recreation areas and conservation land are depicted on the Six Ponds Open Space Plan in Appendix 3.



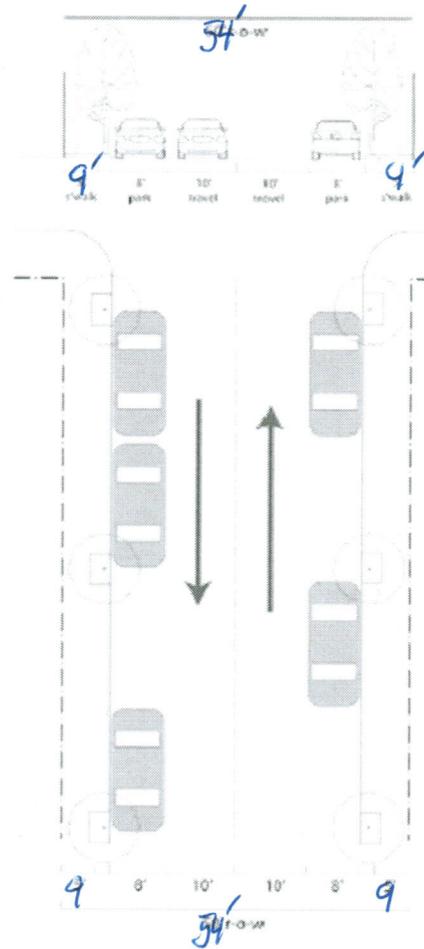
# East Harwich Districts

## Concept Plan

- Legend**
- Parks - Nov 2012
  - Proposed Streets - Nov 2012**
  - Street\_Typ**
  - Connector Street
  - Future Extension
  - Halls Path Connector
  - Village Districts - Aug 2012**
  - District**
  - East Harwich Commercial (EH-C)
  - East Harwich Mixed Use (EH-M)
  - East Harwich Residential (EH\_R)

# Figure 1

## Street Typology and Design



Street Type	Principal Village Streets
Right of way width	50 feet
Travel lane width	10 feet
Lanes of travel	one lane, each direction
On-street parking	both sides
Parking lane width	8 feet
Curbing	vertical curbing
Planting strip width	n/a
Trees	3 inch caliper
Tree spacing	40 feet on center
Sidewalk width	9 foot minimum clearance