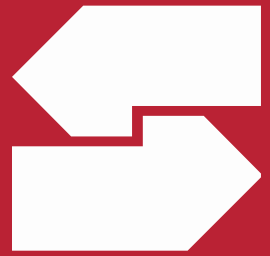


# FOR SALE

.957 +/- Acres of Vacant Land  
87 Route 6A, Sandwich, MA



<b>Lot Size:</b>	<b>.957 Acres. Potentially Allowing for a 12,000 SF Office Building.</b>
<b>Utilities:</b>	Electric, Municipal Water, On Site Septic, Natural Gas.
<b>Zoning:</b>	BL-1 – Business Limited.
<b>Parking:</b>	53 (+/-) Based Potential 12,000 SF Office Building.
<b>Real Estate Taxes:</b>	Lot is not yet subdivided.
<b>Location:</b>	Property is adjacent to Cape Cod 5 Savings Bank on Route 6A..
<b>For Sale:</b>	<b>\$795,000.</b>



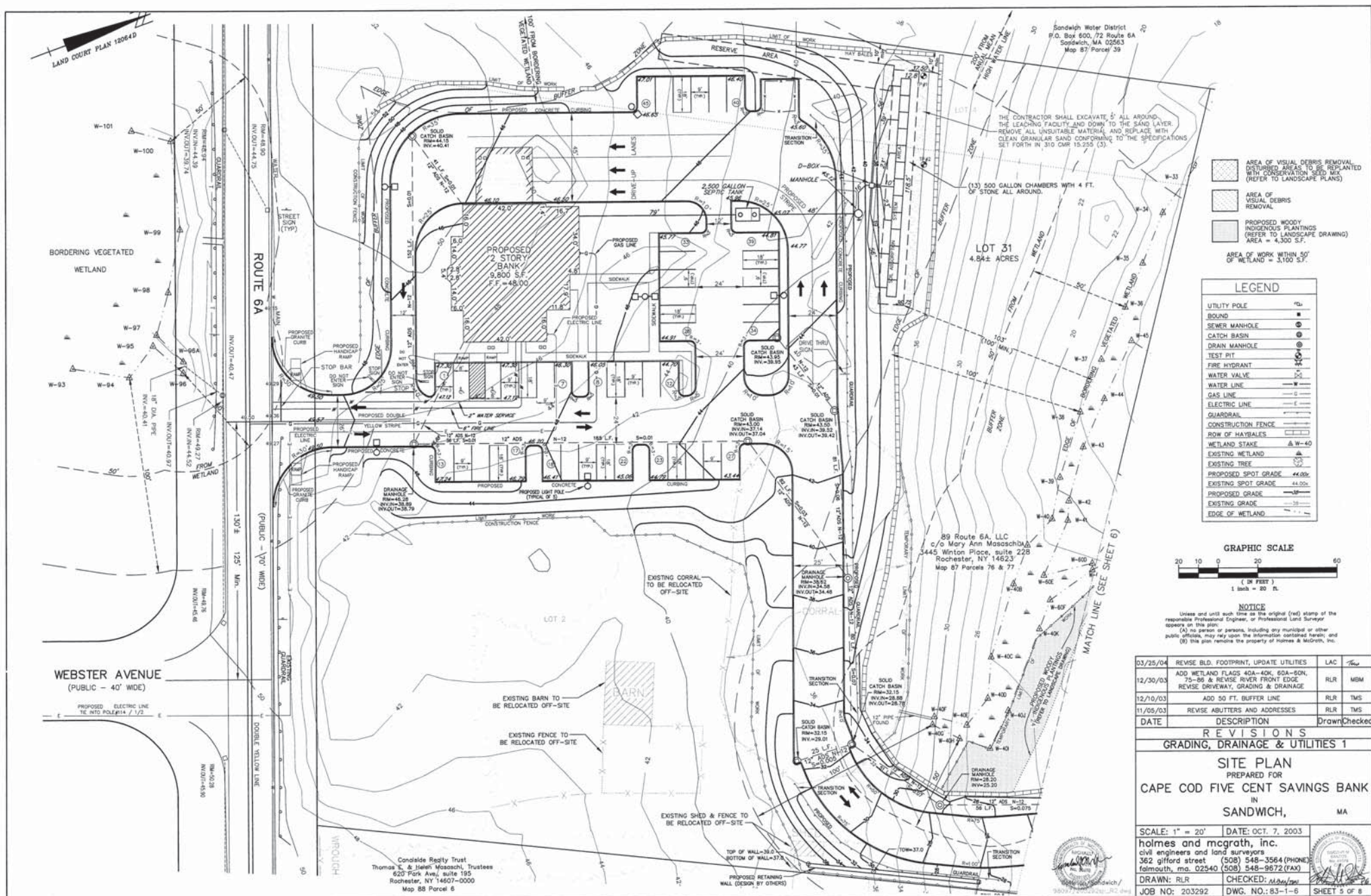
**SOUTHEAST  
COMMERCIAL  
REAL ESTATE, INC**

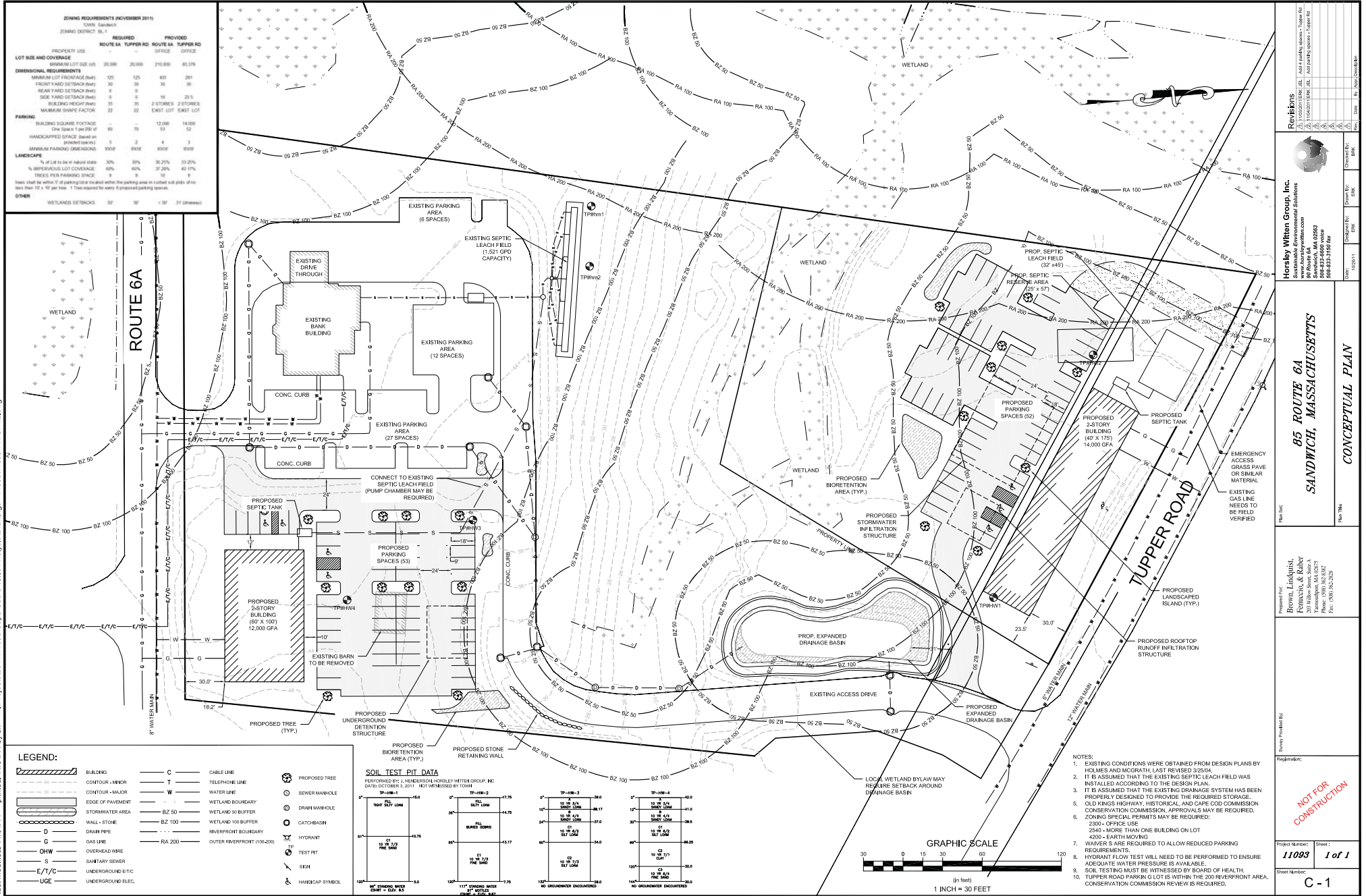
**MICHAEL GIANCOLA, SIOR**  
Southeast Commercial Real Estate, Inc.  
3131 Cranberry Highway, P.O. Box 570  
East Wareham, MA 02538

| 508.759.3030  
| mgiancola@ccim.net  
| southeastcommercialre.com

No warranty or representation, express or implied, is made as to the accuracy to the information contained herein, and same is submitted subject to errors, omissions or withdrawals without notice.







**Revisions**

NO.	DATE	BY	DESCRIPTION
1	11/04/11	bk	ISSUED FOR PERMIT

**Horley Witten Group, Inc.**  
Sustainable Environmental Solutions  
www.horleywitten.com  
1000 Main Street, Suite 200  
Sandwich, MA 02563  
Phone: (508) 562-8882  
Fax: (508) 562-8883

**Project No:** 11093  
**Sheet:** 1 of 1  
**Scale:** 1" = 30'

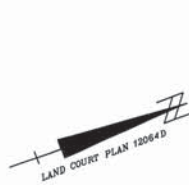
**85 ROUTE 6A SANDWICH, MASSACHUSETTS**

**CONCEPTUAL PLAN**

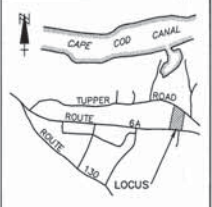
**NOT FOR CONSTRUCTION**

**C-1**





CONTRACTOR TO CONTACT DIG SAFE  
AND A PRIVATE UTILITY MARKING COMPANY  
PRIOR TO ANY CONSTRUCTION.



LOCUS MAP  
SCALE: 1"=2000'

ZONING COMPLIANCE TABLE			
	REQ. BL-1	PROJ. BL-1	
LOT SIZE	20,000 S.F.	4.84 ACRES	
LOT FRONTAGE	125 FEET	435.25'	
FRONT BUILDING SETBACK	30 FEET	77'	
SIDE BUILDING SETBACK	20 FEET	102'	
REAR BUILDING SETBACK	20 FEET	288'	
BUILDING HEIGHT	35 FEET		
SITE COVERAGE	40 %	24.0 %	
OPEN SPACE	40 %	76.0 %	
NATURAL OPEN SPACE	30 %	48.5 %	
FRONT PARKING SETBACK	30 FEET	36'	
SIDE PARKING SETBACK	5 FEET	21'	
REAR PARKING SETBACK	5 FEET	128'	
# OF PARKING SPACES		45	

# OF PARKING SPACES = 8,000 S.F. OF RETAIL SPACE = 40 SPACES  
200 S.F. OF RETAIL SPACE/SPACE

#### NOTES

1. STREET NUMBER: TO BE ASSIGNED
2. ASSESSOR'S NUMBER: MAP 87 PARCELS 76 & 77
3. ZONING DISTRICT: BL-1
4. FLOOD HAZARD ZONES: X
5. BENCHMARK: AS SHOWN
6. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND INSTRUMENT SURVEY
7. ELEVATIONS SHOWN ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM.
8. REFERENCE: LAND COURT PLAN 12064D

#### NOTICE

Unless and until such time as the original (red) stamp of the responsible Professional Engineer, or Professional Land Surveyor appears on this plan:  
(A) no person or persons, including any municipal or other public officials, may rely upon the information contained herein; and  
(B) this plan remains the property of Holmes & McGrath, Inc.

DATE	REVISIONS	DESCRIPTION	Drawn/Checked
3/25/04	REVISE BLDG. FOOTPRINT, UPDATE UTILITIES	LAC	TMS
12/30/03	ADD WETLAND FLAGS 40A-40K, 60A-60N, 75-86 & REVISE RIVER FRONT EDGE	RLR	MEM
12/10/03	REVISE DRIVEWAY, GRADING & DRAINAGE	RLR	TMS
12/10/03	ADD 50 FT. BUFFER LINE	RLR	TMS
11/05/03	REVISE ADJUTERS AND ADDRESSES	RLR	TMS

#### REVISIONS SITE SHEET

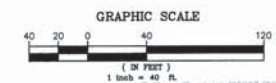
SITE PLAN  
PREPARED FOR  
CAPE COD FIVE CENTS SAVINGS BANK  
IN  
SANDWICH, MA

SCALE: 1" = 40' DATE: OCT. 7, 2003

holmes and mcgrath, inc.  
civil engineers and land surveyors  
362 gifford street  
foolmouth, ma. 02540  
(508) 548-3564 (PHONE)  
(508) 548-9672 (FAX)

DRAWN: RLR CHECKED: *[Signature]*  
JOB NO.: 203292 DWG. NO.: 83-1-B SHEET 1 OF 8

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PLAN	PAGE
LAYOUT PLAN 1	1
LAYOUT PLAN 2	2
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DRAINAGE, GRADING, UTILITIES & SEPTIC 1	4
DRAINAGE, GRADING, UTILITIES & SEPTIC 2	5
SEPTIC DETAILS	6
STANDARD DETAILS	7



Owner: 89 Route 6A, LLC  
c/o Mary Ann Masaschi  
Applicant: Cape Cod Five Cents Savings Bank Orleans Mass.  
P.O. Box 10  
Orleans, MA 02653  
Phone: (800) 678-1855

Sandwich Water District  
P.O. Box 600, 72 Route 6A  
Sandwich, MA 02563  
Map 87 Parcel 39

Canale Realty Trust  
Thomas E. & Helen Masaschi, Trustees  
620 Park Ave., Suite 185  
Rochester, NY 14607-0000  
Map 88 Parcel 6

LOT 31  
4.84± ACRES

LOT 33  
2,998± S.F.

WEBSTER AVENUE  
(PUBLIC - 40' WIDE)

ROUTE 6A  
(PUBLIC - 70' WIDE)

ROUTE 6A  
(PUBLIC - 70' WIDE)

ROUTE 6A  
(PUBLIC - 70' WIDE)

ROUTE 6A  
(PUBLIC - 70' WIDE)

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(PUBLIC - 70' WIDE)

ROUTE 6A  
(PUBLIC - 70' WIDE)

ROUTE 6A  
(PUBLIC - 70' WIDE)

ROUTE 6A  
(PUBLIC - 70' WIDE)



## MEMORANDUM

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TO: Chris Raber  
FROM: Joe Longo  
DATE: November 8, 2011  
RE: Conceptual Yield Plan - Cape Cod 5 - Route 6A, Sandwich, MA

---

Horsley Witten Group, Inc. (HW) is providing you with the following summary of the Conceptual Yield Plan with respect to wastewater, stormwater, wetlands, and parking considerations for each of the proposed buildings off of Route 6A and Tupper Road.

### **New Route 6A Building**

#### Wastewater

- Perc tests revealed unsuitable material to a depth of 10 to 11 feet below ground surface – this is similar to what was found in test pits for the bank in 1998. A leach field could potentially be constructed (additional soil testing would be required to ensure a minimum of 4 feet of pervious material), but would be very expensive because of the depth, requiring the removal of unsuitable material.
- Design plans (provided by the owner) for the existing bank building indicate that the wastewater leach field is oversized by 914 gallons per day. The total flow that could be accepted is equivalent to that of a 12,186 square foot office building. We assume the leach field was constructed as shown on the plans.

#### Stormwater

- Three separate bioretention areas are proposed for the new parking area and building to provide stormwater detention and water quality treatment. These will then flow into an underground detention structure to provide storage/detention to accommodate additional impervious area, and will tie into the existing drainage system outfalling into the existing drainage basin.
- It is assumed that the existing drainage basin was properly designed to provide the required storage for the site as constructed.
- The volume of the existing drainage basin will need to be increased to accommodate this additional flow. An alternative to this would be to install underground infiltration under the parking lot – a more expensive option, also requiring removal of the unsuitable material (10-11 feet).

#### Conservation

- Filing with Conservation will be required as portions of the project are located within the 100-foot buffer to jurisdictional wetlands and/or within 200 feet of the existing perennial stream (river) under the MA Wetlands Protection Act and local wetlands bylaw.
- Filing with Conservation will also be required for work on the drainage basin that currently exists in the buffer zone, as the basin has developed characteristics of a wetland itself (hydrology and wetland indicator vegetation). As such, the drainage basin itself

would have a buffer zone under the local bylaw. Whether the basin (wetland) could be altered to accommodate greater stormwater flows is up to the members of the Conservation Commission itself, and the case will need to be made that any alterations to the existing "wetland" will provide the same functions and values once it has been enlarged.

#### Parking

- The layout includes the maximum amount of parking spaces on the site. As shown, a waiver from local zoning for 7 spaces would be required.

#### New Tupper Road Building

##### Wastewater

- Perc tests revealed adequate pervious material with an estimated seasonal high water table ranging from 6.5 to 8 feet below grade. This would allow for the construction of wastewater and/or stormwater leaching facilities.
- The Board of Health's "Groundwater Regulation" (page 34) requires the groundwater table be within 6 feet of "naturally occurring ground elevation, measured as the existing ground surface (exclusive of all fill materials)." A layer of old fill (roughly 4.5 feet) was found in both test pits. Dave Mason (Health Agent) was contacted and presented with this situation as a general question. Based on our conversation, we believe that an on-site wastewater system could be constructed on this lot as the fill has been in place for 30+ years and is at approximately the same elevation as the adjacent road.
- The system shown on the plan has been sized for a 14,000 square foot building. The limiting factors include staying out of setbacks and "no-touch" zones from wetlands and riverfront area, and the setbacks from any existing or proposed drainage systems (bioretention and infiltration areas).

##### Stormwater

- Roof runoff will be directed to an underground infiltration bed as shown.
- Parking lot runoff will be directed to bioretention areas and then into the enlarged infiltration area.

##### Conservation

- As with the proposed building off Route 6A, filing with Conservation will be required as portions of the project are located within Conservation jurisdiction.
- As the existing detention basin has taken on characteristics of an isolated wetland, and is presumed to be a wetland under the local bylaw, the drainage basin itself would have a buffer zone under the local bylaw. The proposed driveway is located within the 50-foot buffer (no touch zone) of this drainage basin. Redesign of the entrance (e.g., directly from Tupper Road) or a local waiver may be required.

Parking

- Parking is then limited by the buildings, stormwater facilities, zoning, and resource area setbacks. The layout includes the maximum amount of parking spaces on the site without impacting zoning or riverfront setbacks.

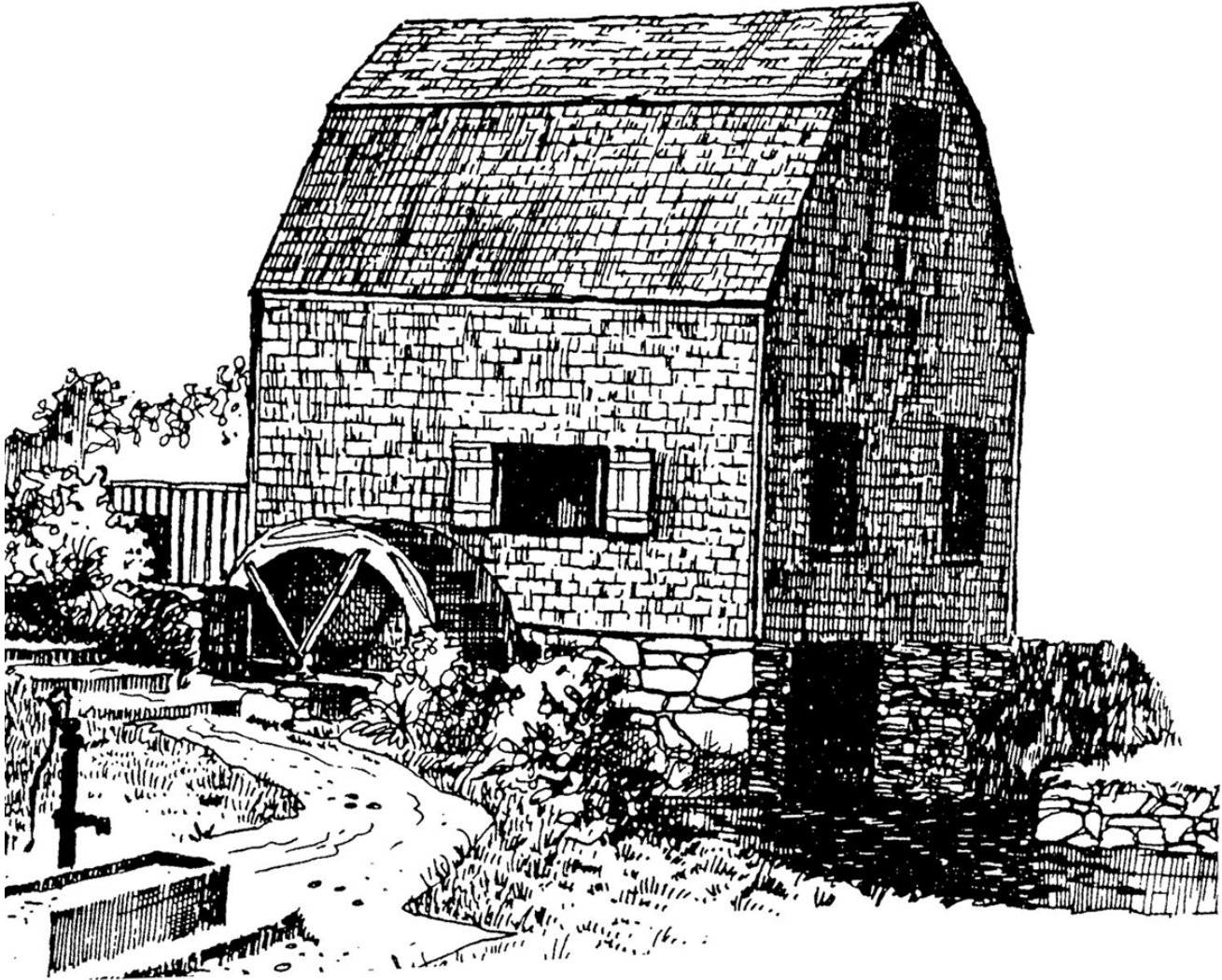
We have provided site plans showing two options, one staying out of the 200-foot Riverfront Area (RA), and one showing additional parking within the 200-foot RA. If the project were to extend into the 200-foot RA, the Conservation Commission may allow the alteration of up to 5,000 square feet or 10% of the RA within the lot, whichever is greater. To accomplish this, the applicant must provide an alternatives analysis which shows that the impact is necessary and/or unavoidable in the context of the proposed project purpose. For this site, given the condition of this area (i.e., cleared land), this approach may be less difficult than sites that are undisturbed.

Please also be advised that this is a preliminary analysis, further detailed design and engineering are required to confirm these plans. Please feel free to contact me with any questions.



# Town Of Sandwich

THE OLDEST TOWN ON CAPE COD



DEXTER GRIST MILL

## PROTECTIVE ZONING BY-LAW

### November 2017



street, railroad, or utility easement center of layout lines, boundary or lot lines, or the channel of a stream, shall be construed to be actually those lines; when shown approximately parallel, perpendicular, or radial to such lines, boundaries shall be construed to be actually parallel, perpendicular or radial thereto; when appearing to follow shoreline, boundaries shall coincide with the mean low-water line. When not locatable in any other way, boundaries shall be determined by scale from the map; and

- 2130.** Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion of such lot, provided the lot has street frontage in the less restrictive district.

**2140. DISTRICT PURPOSES ARE AS FOLLOWS:**

1. Business Limited (BL-1)  
To provide for moderately dense limited commercial mixed-use, village-style development with local and transient services; while preserving or enhancing ocean views from highways, protecting character of historic environs, preserving or enhancing landscaping, minimizing visibility of parked autos and avoiding creation of hazards or congestion.
2. Business (B-2)  
To provide for mixed-use of moderately dense residential, business, technological, limited entertainment, athletic and commercial uses including formal streetscapes as well as civic uses and public open space in a village style atmosphere.
3. Village Business District (VIL)  
To ensure the preservation or enhancement of historic villages or similar areas by regulating mixed land use to accommodate residential, cultural, commercial and hospitality uses.
4. Flexible Growth District (FLEX)  
To provide for uses that will be appropriate in scale and compatible with the Town's character while meeting the needs of the local and regional economy. Flexible use of land and space for light manufacturing and industrial, research and development, office and business, entertainment or athletic and regional commercial and retail space shall be permitted while enhancing landscaping and avoiding creation of hazards or congestion.
5. Industrial Limited (IND) - To preserve uniquely serviced areas for exclusive Industrial or commercial use, while providing a visually pleasing landscaped areas compatible with the Town's history.
6. Marine (MAR)  
To encourage a mixture of marine, aquaculture, limited commercial, limited industrial and recreational uses that exist in concert with and respect the environs of the Cape Cod Canal, Cape Cod Bay and Sandwich Harbor.
7. Residence (R-1)  
To provide moderate-density residential development and allow for a limited variety of accessory uses, while preserving current surrounding conditions and the environment of the community.
8. Residence (R-2)  
To provide for lower-density residential development for those uses allowed in the R1 zone while protecting the quality of air, surface water and ground water of the area.
9. Ridge (RD)  
To provide for flexible development of large-scale tracts allowing development for regional service and athletic recreation near expressway interchanges and to allow variety and choice in residential development; at the same time preserving or enhancing views of Cape Cod Bay from public ways; preserving or enhancing landscaping and tree cover; and minimizing visibility of parked autos, avoiding creation of hazards or congestion and assuring compatibility with low density residential development.
10. Shore (S)  
To provide for moderately dense or clustered residential and hospitality development with accessory uses while preserving the character, views and ecology of oceanfront land.

11. Government District (GD)

Provide for necessary governmental functions, public recreation and conservation on publicly owned land.

**2200 USE REGULATIONS**

No lot shall be used and no building, structure or addition to a structure shall be erected except as set forth in the Use Regulation Schedule, or as exempted by G. L. c. 40A, §6 or by the granting of special permit or variance. Symbols employed shall mean the following:

**2210 Y-** Permitted by-right \*;

**S-** Uses authorized under special permit as provided for in **Section 1330**

**N-** Excluded or prohibited;

**SA-** Uses authorized under special permit as provided for in **Section 1380**

**Agricultural Uses**

	R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Farm	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Farm Stand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Aquaculture Operations	S	S	S	S	N	N	Y	Y	N	S	N
Brewery, Winery, Distilleries	N	S	S	Y	Y	Y	Y	Y	S	N	N

**Commercial Uses**

	R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Adult Entertainment	N	N	N	N	N	S(4)	N	N	N	N	N
Animal Kennel	N	N	N	N	N	Y	N	N	N	N	N
Artist Studios	N	N	S	Y	Y	Y	N	S	S	S	N
Automotive Repair	N	N	N	N	N	SA	SA	N	N	N	N
Bank	N	N	S	Y	Y	Y	N	S	N	N	N
Beauty Salon/Barbershop	N	N	S	Y	Y	S	N	N	N	N	N
Bed and Breakfast (5)	S	S	S	S	S	N	N	N	S	S	N
Boat/Motor Vehicle Service/Repair	N	N	N	SA	SA	SA	SA	SA	N	N	N
Boat/ Watercraft Sales, Wholesale (8)	N	N	N	N	N	Y	Y	Y	N	N	N
Boat and Watercraft Storage Building	N	N	N	N	N	S	S	Y	N	N	N
Car Wash	N	N	N	SA	SA	SA	N	N	N	N	N
Childcare Facility	Y	Y	S	Y	Y	Y	N	Y	Y	Y	N
Commercial and Charter Fishing	N	N	S	N	N	N	S	Y	N	N	N
Commercial/Recreational Marine Equipment Storage (6)	N	N	N	N	N	Y	Y	Y	N	N	N



Convenience Store, Retail	N	N	S	Y	Y	Y	N	S	N	N	N
Crematorium	N	N	N	N	N	S	N	N	N	N	N
Dry Cleaning	N	N	N	SA	SA	SA	N	N	N	N	N
Fast Food, Takeout (2)	N	N	N	YY	YS	YN	N	N	N	N	N
	<b>R-1</b>	<b>R-2</b>	<b>VIL (2,3)</b>	<b>BL-1 (2,3)</b>	<b>B-2</b>	<b>FLEX</b>	<b>IND</b>	<b>MAR (2,3)</b>	<b>RD</b>	<b>S</b>	<b>GD</b>
Funeral Home	N	N	S	SA	SA	SA	N	N	N	N	N
Gasoline Station	N	N	N	S	S	S	SA	SA	N	N	N
Holiday Seasonal Attraction	S	S	S	S	S	S	N	S	S	N	N
Hotel/ Motel	N	N	S	S	S	S	N	S	S	N	N
Major Commercial Complex	N	N	N	N	S	S	N	N	N	N	N
Major Industrial Complex	N	N	N	N	N	S	S	N	N	N	N
Marine Medical and Rehab Facility	N	N	N	N	N	N	N	Y	N	N	N
Medical Offices (21) (No surgical procedures)	N	N	S	Y	Y	Y	N	N	S	N	N
Medical Offices (21) (Outpatient surgical procedures)	N	N	S	Y	Y	Y	N	N	S	N	N
Motor Vehicle Rental Establishment	N	N	N	S	N	S	N	N	N	N	N
Motor Vehicle Sales, Wholesale (8)	N	N	N	N	N	S	N	N	N	N	N
Office, Professional	N	N	S	Y	Y	Y	N	Y	N	N	N
Other retail business or service	N	N	S	S	S	S	N	S	N	N	N
Research Laboratory	N	N	N	N	N	Y	N	Y	SA	N	N
Restaurant	N	N	S	Y	Y	S	N	Y	N	S	N
Retail Sales/Service, Minor	N	N	S	Y	Y	Y	N	N	N	N	N
Retail Sales/Service, Major	N	N	N	Y	Y	Y	N	N	N	N	N
Retail Sales/Service, Regional	N	N	N	N	S	S	N	N	N	N	N
Supermarket	N	N	N	Y	Y	Y	N	N	N	N	N
Tattoo/Body Art Establishment	N	N	N	N	N	N	N	S	N	N	N
Technology Business or Service	N	N	S	Y	Y	Y	N	S	N	N	N

Terminal, Bus or Rail	N	N	N	N	S	S	N	S	N	N	N
Terminal, Ferry/Waterbus	N	N	N	N	N	N	N	Y	N	N	N
Terminal, Trucking	N	N	N	N	N	S	S	N	N	N	N
Veterinary Office or Hospital	N	N	S	Y	Y	Y	N	N	N	N	N
Warehouse Sales, Wholesale and Retail	N	N	N	N	N	S(7)	N	N	N	N	N

#### Industrial/Utility Uses

	R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Bulk Storage/Warehouse (9)	N	N	N	N	N	S	S	N	N	N	Y
Contractors Yard	N	N	N	N	N	Y	Y	N	S	N	Y
Disposal and Recycling Facility	N	N	N	N	N	SA (10,11)	N	N	N	N	SA (10)
Earth Removal	N	N	N	N	N	S	N	N	N	N	N
Hazardous Waste Facility	N	N	N	N	N	SA (11)	SA (11)	N	N	N	N
Heliport	N	N	N	N	N	S	N	S	N	N	Y
Manufacturing, Light	N	N	N	N	N	Y	S	S(12)	N	N	N
Metal Plating (13)	N	N	N	N	N	SA (11)	N	N	N	N	N
Power Generation, Electrical	N	N	N	N	N	SA	SA (14)	SA (14)	N	N	N
Research laboratory, Chemical, Bacteriological lab	N	N	N	N	N	SA	N	SA	SA	N	SA
Sanitary Landfill	N	N	N	N	N	SA (11)	N	N	N	N	N
Sale, Storage or Distribution of Fuel Oil or Gasoline	N	N	N	SA	SA	SA	SA	SA	N	N	N
Seafood/Fish Processing Facility	N	N	N	N	N	Y	N	Y	N	N	N
Solar Photovoltaic Installation, Large-Scale Ground Mounted (22)	N	S	N	N (25)	N	Y	Y	N	S	N	S
Telecommunications Facility, Wireless (15)	N	S	N	N	N	S	S	S	S	N	S
Use of toxic or hazardous materials in quantities greater than associated with normal household or agriculture use (13)	N	N	N	SA	SA	SA	SA	SA	SA	N	SA
Wastewater Treatment Facility (17)	SA	SA	N	SA	SA	SA	SA	SA	SA	SA	SA
Wastewater Effluent Disposal (16)	SA	SA	N	SA	SA	SA	SA	SA	SA	N	SA



Institutional											
	R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Assisted Living Facility	N	S	S	S	Y	N	N	N	S	N	N
Animal Rescue / Adoption	S	S	N	S	S	S	N	S	S	N	N
Cemetery	N	S	N	N	N	N	N	N	N	N	N
Continuing Care Retirement Community	N	S	S	S	Y	N	N	N	S	S	N
Hospice Care Facility	N	S	S	Y	Y	N	N	N	S	N	N
Hospital	N	N	N	S	S	S	N	N	S	N	N
Municipal Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Museum	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N
Philanthropic Institutions	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N
Rehabilitation Hospital	N	N	N	N	S	N	N	N	S	N	N
Religious Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
School- Public, Sectarian, Denominational, Non-profit Educational Corp.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Recreational/Cultural Uses											
	R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Amusement Park/ Water Park	N	N	N	N	N	N	N	N	N	N	N
Art Gallery	S	S	S	Y	Y	S	N	S	S	S	N
Bowling Alley	N	N	N	N	Y	Y	N	N	N	N	N
Campground	S	S	N	N	N	N	N	N	S	N	N
Cinema	N	N	N	N	Y	Y	N	N	N	N	N
Game Room	N	N	N	N	Y	N	N	N	N	N	N
Golf Course	N	S	N	N	N	N	N	N	S	N	N
Health Club	N	N	N	Y	Y	Y	N	S	S	N	N
Marina	N	N	N	N	N	N	N	Y	N	N	N
Mini Golf	N	N	N	S	Y	S	N	N	S	N	N
Recreation Facility, Indoor	N	N	N	N	Y	S	N	N	S	N	N
Recreation Facility, Outdoor	S	S	N	N	S	S	N	S	S	N	N
Riding School (18)	N	S	N	N	N	N	N	N	S	N	N

Social Club	N	S	S	Y	Y	Y	N	Y	S	N	N
Spa	S	S	S	Y	Y	N	N	N	S	S	N
Sportsmans' Club, Game Reserve, Rifle/Gun Range	N	S	N	N	N	Y	N	N	S	N	N
Theatre	S	N	S	Y	Y	Y	N	N	S	N	N
Zoo/ Menagerie/ Aviary	N	N	N	N	N	N	N	N	N	N	N
<b>Residential</b>											
	<b>R-1</b>	<b>R-2</b>	<b>VIL (2,3)</b>	<b>BL-1 (2,3)</b>	<b>B-2</b>	<b>FLEX</b>	<b>IND</b>	<b>MAR (2,3)</b>	<b>RD</b>	<b>S</b>	<b>GD</b>
Cluster Development	S	S	S	N	S	N	N	N	S	S	N
Cottage Colony	S	S	N	S	N	N	N	S	S	S	N
Mobile Home Park	N	N	N	N	N	N	N	N	N	N	N
Multi-Family	S	S	S	S	S	N	N	N	S	N	N
Single-Family	Y	Y	S	Y	S	N	N	N	Y	Y	N
Two-Family	S	S	S	S	S	N	N	N	S	S	N
Two Single-Family Dwelling Units on One Lot (19)	S	S	S	S	N	N	N	N	S	S	N
<b>Accessory Uses</b>											
	<b>R-1</b>	<b>R-2</b>	<b>VIL (2,3)</b>	<b>BL-1 (2,3)</b>	<b>B-2</b>	<b>FLEX</b>	<b>IND</b>	<b>MAR (2,3)</b>	<b>RD</b>	<b>S</b>	<b>GD</b>
Accessory Apartment	Y	Y	Y	Y	Y	N	N	N	Y	Y	N
Accessory Dwelling Unit	S	S	S	S	N	N	N	N	S	S	N
Animal Kennel, Accessory to Veterinary	N	N	N	S	N	Y	N	N	S	N	N
Animal Kennel, Accessory to Residential Use	S	S	N	S	N	N	N	S	S	N	N
Antenna, Amateur Radio, Accessory to Residential Use	Y	Y	N	Y	Y	N	N	N	Y	N	N
Antique Shop, Art Gallery, Gift Shop, Accessory to cultural/institutional Use	S	S	S	Y	Y	N	N	Y	N	N	N
Automatic Teller Machines, Accessory to Retail Use	N	N	S	Y	Y	Y	N	Y	N	N	N
Camper Storage	Y	Y	N	S	N	N	N	N	Y	N	N
Car Wash, accessory to Gasoline Station	N	N	N	SA	SA	SA	SA	N	N	N	N
Common Driveway	S	S	S	S	S	S	S	S	S	S	S
Construction Trailer Office,	Y	Y	S	Y	Y	Y	Y	Y	Y	N	N



temporary accessory

Convenience store accessory to Gasoline Station	N	N	N	S	Y	Y	Y	S	N	N	N
Drive-Up or Drive-Through, accessory to Retail Use	N	N	N	N	N	N	N	N	N	N	N
Family Daycare (Accessory to Dwelling)	Y	Y	S	Y	N	N	N	Y	Y	Y	N
	<b>R-1</b>	<b>R-2</b>	<b>VIL</b> (2,3)	<b>BL-1</b> (2,3)	<b>B-2</b>	<b>FLEX</b>	<b>IND</b>	<b>MAR</b> (2,3)	<b>RD</b>	<b>S</b>	<b>GD</b>
Guest House, accessory to Residential Use	Y	Y	S	Y	N	N	N	N	Y	Y	N
Heliport, accessory to Commercial/ Institutional Use	N	N	N	N	N	S	N	S	N	N	N
Personal Animal Kennel, accessory to Residential Use	S	S	S	N	N	N	N	N	S	N	N
Home Occupation, accessory to Residential Use	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N
Medical Office, accessory to Commercial Use (20,21)	N	N	S	S	S	N	N	N	S	N	N
Motor Vehicle Sales, Wholesale, accessory to New Car Sales (8)	N	N	N	N	N	S	N	N	N	N	N
Office, professional accessory to Commercial Use	N	N	S	Y	Y	Y	N	S	S	N	N
Private Garage/Boathouse	Y	Y	S	Y	Y	Y	Y	Y	Y	N	N
Restaurant accessory to Commercial Use	N	N	S	Y	Y	S	N	Y	S	S	N
Sale of Products Manufactured On-Site, accessory to Retail Use	N	N	S	Y	Y	Y	N	Y	S	N	N
Stables accessory to Residential Use (18)	Y	Y	S	N	N	N	N	N	Y	N	N
Swimming Pools accessory to Residential Use	Y	Y	S	Y	Y	N	N	N	Y	N	N
Tennis Courts accessory to Residential or Commercial Use	Y	Y	S	Y	Y	N	N	S	Y	N	N
Terminal, Trucking accessory to Commercial Use (23)	N	N	N	N	N	S	S	N	N	N	S
Use of toxic materials accessory to Commercial Use	N	N	N	SA	SA	SA	SA	SA	SA	N	SA
Used Car Sales, accessory to motor vehicle sales, rental and retail	N	N	N	S(8)	N	S(8)	N	N	N	N	N

	R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Wastewater Treatment Facility, Accessory (17)	SA	SA	N	SA	SA	SA	SA	SA	SA	SA	SA
Wastewater Effluent Disposal, Accessory (16)	SA	SA	N	SA	SA	SA	SA	SA	SA	N	SA
Wind Turbines accessory to residential use	S	S	N	S	S	N	N	N	S	N	N

#### USE REGULATION SCHEDULE NOTES

1. As defined by G. L. c. 40A.
2. Drive-up and drive-through facilities shall be prohibited.
3. Design guidelines of the Old King's Highway Historic District shall apply.
4. As required by Section 3900.
5. RESERVED.
6. Subject to open storage minimum set back: 25 feet front, 10 feet both side and rear. No stored boat shall be used for dwelling or sleeping purposes.
7. Products to be retailed must be directly related to the primary industrial activity.
8. Limit of twelve vehicles or watercraft on site at any one time.
9. Above-ground storage of household quantities of hazardous materials as defined by DEP regulations shall not require special permit.
10. Junkyards shall not be allowed.
11. See **Section 5030**, Prohibited Uses.
12. Limited to marine or scientific research laboratories devoted to research, design and/or experimentation and processing of fabrication incidental thereto.
13. See Hazardous Materials definition.
14. Allowed throughout the Industrial Area adjacent to the Cape Cod Canal.
15. If in Wireless Telecommunications Overlay District.
16. If outside Water Resource Protection District.
17. Subject to the requirements of Section 5000.
18. No more than one horse allowed on parcel less than one acre. On parcels greater than one acre but less than five acres, Board of Health regulations shall govern the number of horses allowable per nitrogen loading calculations. By special permit in Three Ponds District.
19. By special permit from Zoning Board of Appeals. Subject lot shall have at least twice the minimum lot area required for one principal single-family dwelling, at least the required frontage for one principal dwelling and both units satisfy requirements of **Section 2600**.
20. Only accessory to hospital or other medical facility.
21. Any use within the RD District that includes a medical office shall be located on a lot not less than five acres and shall be accessory to a principal use such as a hospital, continuing care retirement community, hospice care center or rehabilitation hospital.
22. As per **Section 4180**
23. To service fleet of trucks subordinate to principal use.
24. Discharge not allowed in Three Ponds, Surface Water Protection or Water Resource Overlay Districts if facility exceeds 10,000 gpd or more of discharge.
25. Y - permitted by-right if in Ground Mounted Solar Overlay District.

**2321. Uses whether or not on the same parcel** as activities permitted as matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with **scientific research or scientific development or related production** may be permitted upon the issuance of a special permit provided the Special Permit Granting Authority (SPGA) finds that the proposed accessory use does not substantially derogate from the public good.

**2400. Non-Conforming Uses.** The use of any structure or land lawfully existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure or use does not conform with provisions of this by-law, subject to the following conditions and exceptions:

**2410. Abandonment.** A non-conforming use of a building or land, which has been abandoned for a period of five (5) years, shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned when the premises has been vacant for five years, or when the characteristic equipment and/or

furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment, whichever shall occur first.

**2420. Change, Extension Or Alteration.** No change, extension or alteration of a pre-existing non-conforming use and no change, extension or alteration of a pre-existing nonconforming structure may be made except upon the issuance of a special permit from the Zoning Board of Appeals. Such a special permit may be granted only if the special permit granting authority finds that the proposed change, extension or alteration of a pre-existing non-conforming use, or change, extension or alteration of a pre-existing non-conforming structure is not substantially more detrimental to the neighborhood than the existing nonconforming use or non-conforming structure.

Provided, however, that alteration, reconstruction, extension or structural change to a lawfully existing single or two-family residential structure shall not be subject to the special permit requirements of this Section 2420 if the alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the structure. (Amended 1/14/08)

The following conditions shall apply to any special permit granted under this section:

- a). When the permit applicant requests either a change, extension or alteration of a non-conforming use or change, extension or alteration of a non-conforming structure, any change, extension or alteration may occur only upon those parcels of land upon which the pre-existing non-conforming use or structure is located;
- b). When the permit applicant requests either a change, extension or alteration of a non-conforming use, or a change, extension or alteration of a non-conforming structure, the permit applicant shall substantially screen all new parking from abutters and from streets. (5/4/98)

**2430. Restoration.** In case of destruction or damage by fire or other catastrophe, a legally non-conforming structure may be rebuilt in substantially the form it had at the time of the destruction or damage, or in any form if within applicable setback requirement and not larger than previously, provided that reconstruction is started within twelve (12) months and completed within twenty-four (24) months of the catastrophe.

## **2500. INTENSITY OF USE REGULATIONS**

**2510.** All buildings hereafter erected in any district shall be located on a lot such that all the requirements set forth in Section 2600 are conformed with, except where specifically exempted by this by-law or by General Law. Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not less than six (6) months after issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

**2520.** No lot shall be changed in size or shape so as to result in a violation of Section 2600, if such alteration increases the number of actual or potential building lots.

**2530.** Where **no street line** has been established or can be readily determined, such line shall be assumed to be twenty-five feet (25') from the center of the traveled roadway for the purpose of applying these regulations.

### **2540. Multiple Principal Buildings on the Same Lot.**

- a. **Residential Districts.** Up to two principal dwellings may be allowed in R-1, R-2, and Ridge zoning districts on the same lot, but only upon issuance of a special permit by the Zoning Board of Appeals. Such a special permit shall not be issued unless the subject lot has at least twice the minimum lot area required for one principal dwelling, at least the required frontage for one principal dwelling; and then only if both proposed dwellings satisfy all of the minimum yard, lot coverage and other dimensional requirements set forth under Section 2600.
- b. **Commercial Districts.** Multiple principal buildings may be allowed in the BL-1, B-2, Industrial Limited, and Marine Limited Districts, but only upon issuance of a special permit by the Zoning Board of Appeals. Such a special permit shall not be issued unless the subject lot satisfies the minimum requirements set forth in Section 2600 for one building and unless each building satisfies all of the minimum yard and lot requirements set forth in Section 2600.
- c. **Affordable Housing.** In the BL-1 and B-2 Districts, one dwelling unit may be located within a structure which has a principal non-residential use, but only upon issuance of a special permit by the Zoning Board of Appeals. Additional dwelling units may thereafter be authorized by special permit; however, to be eligible for a special permit for additional dwelling units, a 1:1 ratio of market rate units to affordable units shall be established and maintained. The Board of Appeals shall condition any special permit allowing the affordable units according to the affordability criteria in Section 4138. In addition, no special permit for more than one



such unit shall be issued unless adequate parking is provided; appropriate site provisions have been made for both the residential and non-residential uses; and all of the criteria of Section 1330 have been shown to be satisfied.

**d. Mixed Use Cluster Developments.** In the B2 district, multiple mixed market rate and affordable owner occupied or rental dwelling units may be located on an individual lot within a Mixed Use Cluster Development by special permit from the ZBA pursuant to Section 4500. In the case of affordable units, the provisions of Section 4130 shall not apply; however, the Zoning Board of Appeals shall condition any special permit allowing for Mixed Use Cluster affordable housing according to the affordability requirements in Section 4505, subsection b, 1 and 2, and the special permit criteria of Section 1342.

**2550. Non-Conforming Lots.** Application of amended Intensity of Use Regulations to previously created lots is limited by Section 6, Chapter 40A M.G.L. In addition, any increase in lot area, width, depth, frontage, yard, or coverage requirements of this by-law shall not apply to erection, extension, alterations, or moving of a structure on a legally created lot not meeting current requirements, provided that either the lot is in an exempted subdivision (see Section 2560) or the applicant documents that:

- a.) At the time such increase requirement became applicable to it, the lot:
  1. Had at least 5,000 square feet of lot area and 50 feet of frontage on a street; and
  2. Conformed to the existing dimensions required at the time of creation,
- b.) The lot is to be used for a single dwelling unit or for non-residential use, provided that no side yard shall be less than 20 feet on a lot having frontage of more than 100 feet but less than 200 feet and that no side yard shall be less than the greater of ten (10) percent of the lot's frontage or six (6) feet on one side and eight (8) feet on the other on a lot having frontage of 100 feet or less,
- c.) And the lot was held in ownership separate from all abutting property on December 31, 1998 and at all times hereafter. (Amended 5/4/98 and 1/14/08)

Such non-conforming lots may be changed in size or shape or their land area recombined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.

**2555.** Any legally created lot with an area of at least 20,000 square feet, and frontage of at least 125 feet, which, while buildable for single family residential use, was held in separate ownership from all adjoining property and which has been held in such separate ownership at all times thereafter, shall be buildable for single family residential use notwithstanding lack of compliance with the dimensional requirements of Section 2600. Buildings constructed on such lot shall conform to the setbacks required for the lot when the lot was created. (Added ATM 5/6/96).

**2560.** *Reserved. (Deleted ATM 92)*

**2570.** *Reserved. (Deleted ATM 94)*

**2580.** Residential condominium shall comply with the regulations for multi-family dwellings. (See Section 4600).

**2590. Water Resource Overlay District.** Residential uses located within a Water Resource District shall be governed by the lot area requirements of the R-2 District if more restrictive than otherwise applicable requirements. This requirement shall not apply to lots created on plans recorded prior to January 1, 1985.

## 2600 INTENSITY OF USE SCHEDULE

(See 4640 for Multi-family dwelling requirements)

	R-1	BL-1 (a)	B-2 (q)	FLEX	R-2	RD (n,o)
		MAR		IND	GD	
		VIL, S				
Minimum lot size in square feet (b,h,l)	40,000	20,000	40,000	40,000	60,000	60,000
Minimum lot frontage in feet	150	125	150	150	200	200
Minimum front yard in feet (c)	30	30 (p)	30 (p)	30 (f)	50	40
Minimum side & rear yard in feet (c,d, e, i)	25	0	0	30 (m)	45	30
Maximum lot coverage %	25	None	None	None	25	25
Maximum building height (g) in feet (Amended STM 4/1/96)	35	35	35	45	35	35
Maximum shape factor (k)	22	22	22	22	22	22

## Intensity of Use Schedule Notes:

- a) Permitted residential uses must conform to the requirements at the nearest residential district.
- b) RESERVED.
- c) On special permit from the Board of Appeals, may be reduced to the lesser of thirty percent (30%) of lot depth or the average of the setbacks of the buildings on the lot next thereto on either side, a vacant lot or a lot occupied by a building set back more than the minimum requirement being counted as though occupied by a building set back by the minimum.
- d) One-story accessory buildings may be located within a required yard, but not less than ten (10) feet from lot lines other than street lines; except an accessory building of one hundred (100) square feet or less may be located no closer than six (6) feet to the line.
- e) No building or any part thereof, except steps, shall be built within twelve (12) feet of any other building.
- f) If abutting an arterial street, sixty (60) feet front yard setback is required and to be maintained with vegetation.
- g) A special permit may be granted by the Board of Appeals in accordance with Section 4160 for a height greater than the maximum building height for the District. (Amended 1/14/08). A special permit may be granted by the Board of Appeals in accordance with Section 4160 for a height greater than the maximum building height for the District. (Amended 1/14/08).
- h) For two family dwellings on lots shown on a plan recorded at the Barnstable County Registry of Deeds prior to March 1, 1982, increase the lot area by fifty (50) percent of present requirements; for all others increase lot area by one hundred (100) percent of present requirements, except as authorized under Section 4130.
- i) Any business abutting a residential district or an existing residence in a business district will, in the Business Limited-1, Shore, and Marine Districts be required to have a minimum side and rear yard setback of twenty (20) feet. In the Business Limited-2 District, the minimum side and rear setback will be thirty (30) feet. The minimum side and rear yard setback will only apply to those yards directly abutting a residence.
- j) A special permit may be granted by the Board of Appeals to construct an addition to a structure with an existing nonconforming setback, provided, however, that this nonconformity is not increased.
- k) The lot shape factor shall be obtained by dividing the square of the perimeter enclosing the lot area necessary for zoning compliance (P) by the minimum lot area required in the Zone (A) i.e.:  $[P^2]/A < 22$ .
- l) Minimum lot area requirements for all principal uses in residential districts located within a Water Resource District, as described in Section 5000, shall be 87,120 square feet.
- m) Any industrial use abutting any other district shall be required to have a minimum rear and side yard of 100 feet. (Added ATM 92)
- n) Any use within the RD District which entails medical office or medical services and technology use(s) shall be located on a parcel or lot of no less than five (5) acres and shall be accessory to a principal use as a Hospital, Continuing Care Retirement Community (CCRC), Hospice Center or Rehabilitation Hospital.
- o) Within the RD District, multiple principle non-residential buildings may be authorized under special permit as provided in Section 1320. A special permit shall not be required for any Accessory Building or Use.
- p) On special permit from the Board of Appeals, front yard setback may be reduced to as little as zero, notwithstanding any other provisions of the bylaw.
- q) May be increased up to 40 feet by Mixed Use Cluster Development Special Permit.