

Commonwealth of Massachusetts

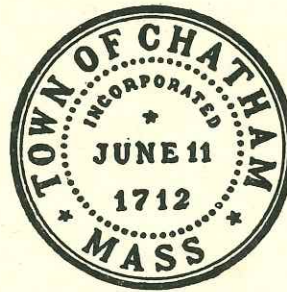
TOWN OF CHATHAM

PROTECTIVE BY-LAW

for

CHATHAM

Planning Board approval under Subdivision
Control Law not required.



Adopted March 4, 1957

Approved April 23, 1957

PROTECTIVE BY-LAW**Section 50 of the Town By-Laws****SECTION I—PURPOSE**

The purpose of this By-Law is to promote the health, safety and convenience of the inhabitants of Chatham under the provision of General Laws, Chapter 40-A and to protect the welfare of the citizens by preserving for them, and their children, the natural, architectural and historical assets and other qualities which distinguish the town as a desirable community for permanent residence and for summer recreational purposes;

to protect its income from the recreational business by exercising prudent control over these assets;

to preserve for the citizens their rights to their customary means of earning a living;

to encourage the sound growth of the community along traditional architectural lines.

SECTION II—DEFINITIONS

To make clear certain terms used in this By-Law, the following meanings shall apply:

A. Customary or self-employed home occupations.

This term shall include carpenters, electricians, painters, plumbers, paperhangers, shellfish opening, and the storage of fishing equipment as customarily carried on in the Town, masons, radio and T.V. repairs, dressmaking, hand laundering, home handicrafts, home cooking, lawn mower and bicycle repairs, the practice of any recognized profession and any others of similar nature which may be approved by the Board of Appeals, but shall not include the operation of a store or display to the passing public of goods not manufactured on the premises.

B. Cottage colonies or motor courts.

Any group of two or more rental cottages under one ownership located on a parcel of land wherein the lot occupied by each cottage does not meet the lot area requirements in the district where located shall be considered a business use of the land occupied.

C. Motels.

A group of rental units for human habitation under one roof with a separate outside entrance for each unit. Motels may provide space for cooking within each unit and include an apartment and office for the resident manager as well as a lounge for the patrons. Motels shall be considered a business use of the land occupied.

D. Signs.

For the purpose of this By-Law the area of a sign shall be the total width and length of the surface on which the inscription appears and shall not include posts or other supporting devices but shall include flags, banners or other attention getting contrivances designed to draw attention to the premises.

SECTION III—ESTABLISHMENT OF DISTRICTS

A. Types of districts.

To accomplish the purpose of this By-Law the Town is divided into districts which will best preserve their general character as follows:

- Residence District R-40
- Residence District R-20
- Residence District R-20A
- Residence District R-10
- Limited Business District
- General Business District

B. Location of Districts.

These districts are located and bounded as shown on a map entitled 'Protective By-Law Map of Chatham, Massachusetts', dated February 1, 1957, and on file in the office of the Town Clerk. This map, with all explanatory matter thereon, is hereby made a part of this By-Law.

SECTION IV—USE REGULATIONS

Except as provided in Section VIII, Subsection A, buildings may be constructed, altered, enlarged or reconstructed and the premises used only for the purpose hereinafter set forth as permitted in the district wherein located.

A. Residence District R-40 Uses.

1. Detached one-family dwelling.
2. Garage, barn and boathouse as accessory uses for the principal occupant of the premises.
3. Agricultural use, provided that no accessory building may be used for the raising, boarding or breeding of dogs or livestock without the approval of the Board of Appeals.
4. A guest house for use by the owner of the principal dwelling or his guests, or the guests of the then occupant of the principal resident, provided that there shall be no more than two guest houses on any one lot; the lot shall have a gross area in excess of that required for the district in which it is located of at least 50% for each guest house constructed upon it; that each guest house shall be located at least 30 feet from any other guest house or principal structure and shall comply with all the yard width requirements in the districts wherein located.
5. Private club, except a club operated for profit or the chief activity of which is a service customarily carried on as a business.
6. Religious use.
7. Display of a sign not to exceed a total of two square feet in area.

B. Residence District R-20 Uses.

1. Any use authorized in Subsection A of Section IV.

C. Residence District R-10 Uses.

1. Any use authorized in Subsections A and B of Section IV.
2. The renting of rooms and provision for meals in a private residence to guests, but not including public restaurant service.
3. Educational or municipal use.
4. Hospitals, sanatoriums or convalescent homes if approved by the Board of Appeals.
5. Agricultural use and for uses customarily necessary thereto, except piggeries, including the following commercial purposes:

(a) Display and sale from roadside stands or otherwise, of natural products, the major portion of which are raised on farms within the Town.

(b) Cultivation, propagation, storage and sorting buildings in connection with the operation of cranberry bogs.

(c) Dog kennels or veterinary hospitals with the approval of the Board of Appeals.

(d) Uses which will be consistent with and encouraging to 4-H Club activities.

(e) The right to expand and increase their agricultural uses within their present bounds.

6. The use of a room or rooms in a dwelling for a recognized profession and for customary home occupations by resident occupants and the use of premises or building thereon in connection with his trade by anyone engaged in a self-employed or customary home occupation as defined in Subsection A of Section II.

7. Display of a sign pertaining to the permitted use with a total area of not more than six (6) square feet, provided that no sign shall be of the neon or gas filled tube type and no sign shall be so located or illuminated as to be hazardous to traffic.

8. Other uses similar to the permitted uses which may be approved by the Board of Appeals.

SECTION V—Limited Business District Uses.

A. Any use authorized in Section IV.

B. Gift shops, antique shops, beauty parlors, motor courts, cottage colonies, motels, inns, lunchrooms or tea rooms. In no event shall any use include the sale or dispensation of alcoholic beverages or dancing.

C. The use of a sign pertaining to the permitted use with a total area of not more than eighteen (18) square feet, provided that no sign shall be of the neon or gas filled tube type and no sign shall be so located or illuminated as to be hazardous to traffic.

D. Marine installations upon the approval of the Board of Appeals.

E. Other uses similar to those permitted in Subsection B which may be approved by the Board of Appeals.

SECTION VI—GENERAL BUSINESS DISTRICT USES

A. Any use authorized in Sections IV and V.

B. Retail or wholesale business, service or public utility, hotel, restaurant, office, municipal use, newspaper or job printing.

C. The following if approved by the Board of Appeals as provided in Section IX:

Filling station or garage

Used car lot

Place of amusement or assembly

Light industry or manufacturing

D. Signs advertising goods or services offered by an occupant of the premises as defined from time to time in the Chatham Sign Code.

E. Uses which may be permitted by the Board of Appeals.

SECTION VII—AREA REGULATIONS

A. Subject to the provisions of Subsection B of Section VIII and Subsection B of Section IX a dwelling or structure hereafter erected in the following districts shall be located on a lot having not less than the minimum requirements set forth in the table below and no more than one dwelling shall be built on any such lot:

District	Area	Frontage (a)	Setback (b)	Abutter's Line
R-40	40,000 Sq. Ft.	150 ft.	40 ft.	25 ft.
R-20	20,000 Sq. Ft.	100 ft.	25 ft.	15 ft.
R-20A	20,000 Sq. Ft.	100 ft.	25 ft.	25 ft.
R-10	10,000 Sq. Ft.	50 ft.	25 ft.	15 ft.
Lmtd Bus.	10,000 Sq. Ft.	50 ft.	25 ft.	15 ft.

Footnotes to the above table.

(a) Lot frontage is to be measured along the boundary line of the street right of way on which the lot fronts.

(b) The setback line shall be a line parallel to the street right of way line.

(c) District R-20A shall include all that area in Chatham Port lying Southeasterly of Crows Pond, westerly and northerly of Ryders Cove and easterly of a line described as beginning at a concrete bound at the inter-section of Fisher's Road and Seapine Road and running N. $64^{\circ} 54' 10''$ E. two hundred ninety (290) feet, thence N. $72^{\circ} 15' 35''$ to Crows Pond, and thence returning to said concrete bound and running S. $11^{\circ} 44' 20''$ E. five hundred sixteen and $15/100$ (516.15) feet thence S. $11^{\circ} 38' 28''$ W. to Ryders Cove.

In District R-20A no buildings or structures hereafter erected or altered may be used for any purpose except a detached one-family dwelling, with a garage of not more than three-car capacity, and workshop for private use. The renting of rooms or serving of meals for compensation shall not be permitted.

No signboard, for commercial advertising shall be constructed, placed or permitted on any portion of the premises, provided, however, that the ordinary "For Sale" or "For Rent" signs, referring only to the premises upon which displayed, shall be permitted, not exceeding two in number.

All uses permitted or restricted under Section IV-B, not in conflict with the foregoing, shall be applicable to District R-20A.

B. Except in the business area of Main Street between Chatham Bars Avenue and Old Harbor Road where no setback shall be required, and the General Business District on Route 137 where the setback shall be fifty (50) feet, all buildings hereafter erected for business purposes in business and limited business districts, shall extend not nearer the street line than twenty-five (25) feet and shall provide off street parking space reasonably adequate.

C. Subject to the provisions of Subsection C of Section VIII any building or structure hereafter erected, altered or reconstructed shall not exceed a height of two and one half ($2\frac{1}{2}$) stories and also, if for human habitation, shall provide a minimum area equal to the building $20' \times 24'$ outside dimension.

D. There shall not be more than twenty (20) motel units per acre of lot, they shall not exceed one story in height and shall provide 250 square feet per each unit for parking space.

E. Units in cottage colonies or motor courts shall not exceed one story in height, shall not be located less than twenty (20) feet apart from one another and, in addition to the separation area, shall provide 250 square feet per each unit for parking space.

F. The Board of Appeals may consider applications for permits for the use of land for marine installations in any district and light industry in limited and general business districts, giving due consideration to the public welfare and the stated purpose of this By-Law.

SECTION VIII—GENERAL REGULATIONS

A. The lawful use of any structure or land existing and operating at the time of the enactment of this By-Law may be continued although such structure, or use, does not conform with the provisions of the By-Law. Such use shall hereafter be referred to as Non-Conforming.

B. Any lot or parcel of land having an area of lesser amounts than required by this By-Law may be considered as coming within requirements of this By-Law providing it was shown on a plan or described in a deed duly recorded or registered at the time of the adoption of this By-Law and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel.

C. Any lawful building or use of a building or premises or part thereof existing at the time this By-Law is adopted may be rebuilt if damaged or destroyed even if not in conformity with the provisions hereof except that no non-conforming use which has been discontinued for a period of three (3) years shall be re-established except if the use be agricultural the period shall be five (5) years.

D. Any non-conforming business existing in any district at the time of the adoption of this By-Law may expand its established business within its present bounds provided such

expansion conforms to the yard dimension requirements established for the district wherein it is located and provided that if any proposed expansion is of such proportion, location or nature as to materially affect the general character of the neighborhood wherein located such expansion must be approved by the Board of Appeals.

E. Any non-conforming business may expand its established business beyond its present bounds provided such expansion is approved by the Board of Appeals.

F. Any non-conforming business may add additional types of business or change the nature of its business provided that, if such addition or change is of such a nature or extent as to materially affect the general character of the neighborhood, approval shall first be obtained from the Board of Appeals.

G. For sale or other temporary signs not exceeding an area of twelve (12) square feet may be used in any district.

SECTION IX—ADMINISTRATION

A. Enforcement. This By-Law shall be administered by the Board of Selectmen. No building shall be built or altered and no use of land or a building shall be begun or changed without a permit having been issued by the building inspector. Any person violating any of the provisions of this By-Law shall be fined not more than twenty (20) dollars for each offense. Each day that such offense continues shall constitute a separate offense.

B. Board of Appeals. There is hereby established a Board of Appeals of five (5) members and two (2) associate members to be appointed by the Selectmen as provided in Chapter 40A of the General Laws, which shall hear and decide appeals by aggrieved persons, will issue special permits, as provided by sections of this By-Law, and grant variances, when it shall have found that the use invoked will not be detrimental to the neighborhood and where a literal enforcement of the provisions of this By-Law would cause substantial hardship to the appellant.

C. Amendment. This By-Law may be amended from time to time in accordance with the provisions of Section 6,

Chapter 40A, of the General Laws.

D. Validity. The invalidity of any section of this By-Law shall not invalidate any other section or provision thereof.

Adopted March 4, 1957

Approved April 23, 1956

Attest:

Mabel E. Nicholas,
Town Clerk

EVERETT C. SMALL

LOUIS A. WEBSTER

SABIN A. HUTCHINGS

Selectmen