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TOWN OF CHATHAM

1962

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Sec. 50. PROTECTIVE BY-LAW

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.

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, paper-hangers, shellfish opening, and the storage of fishing equipment as customarily carried on in the Town, masons, radio and TV repairs, dress-making, 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 site 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 lounges 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, ban-

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ners or other attention getting contrivances designed to draw attention to the premises.

E. Lot.

[An area or parcel of land in one ownership with definite boundaries, used or available for use, as the site of one or more buildings.]

F. Trailers.

[A trailer shall mean any vehicle or object designed for travel on wheels and having no motive power of its own, but which is drawn by, or used in connection with, a motor vehicle, and which is so designed and constructed, or reconstructed or added to by means of such accessories, as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundation, and shall include the type of vehicle commonly known as a mobile home. A trailer when used for dwelling purposes and affixed to land, shall remain and be considered a trailer for all purposes of this by-law.]

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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-30]
  - Residence District R-20
  - Residence District R-20A
  - [Residence District R-15]
  - Residence District R-10
  - Limited Business District
  - General Business District
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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.

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.

\*As amended.

- ORIGINAL PAR.  
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- AMENDED  
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- ART 34  
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4. A guest house provided:
    - (a) that said guest house shall be used by the owner or by the guest of the owner of the principle dwelling, or the guests of the then occupant of the principle dwelling or may be rented;
    - (b) that there shall be not more than one guest house on any one lot; (a housekeeping apartment, being a part of a separate garage, boat house or barn shall be deemed to be a guest house);
    - (c) that the lot shall have a gross area in excess of that required for the district in which it is located of at least 100% for the guest house constructed upon it;
    - (d) that the distance between the guest house and any other structure shall be not less than twice that of the abuttor's line requirement as set forth in SECTION VII, A. of the district wherein located and shall comply with all the yard width requirements of said district.
  5. Private club, except a club operated for profit or the chief activity of which is a service customarily carried on as a business, not providing sleeping accommodations for its members or their guests and only upon approval of the Board of Appeals.
  6. Religious use.
  7. Display of a sign not to exceed a total of two square feet in area pertaining to a permitted use of the premises, by the occupant thereof.

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B. Residence District R-30 Uses.

1. Any use authorized in Subsection A, of SECTION IV.

C. Residence District R-20 Uses.

1. Any use authorized in Subsection A, of SECTION IV.

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D. Residence District R-15 Uses.

1. The present uses allowed in the R-10 Residence Districts shall also apply to the R-15 Residence Districts.

E. 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. Rental of more than three (3) rooms to more than six (6) persons shall be subject to the approval of the Board of Appeals, which approval may be granted provided the nature and character of the neighborhood is not changed and in no case shall more than six (6) rooms be utilized for rental purposes to more than twelve (12) persons. Existing residences in which more than three (3) rooms were rented in 1961, or prior thereto, may continue as a non-conforming use.
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 this 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 of the premises by the occupant thereof, with a total area of not more than six (6) square feet, provided that no sign shall be of the neon, flashing, active 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.

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V. Limited Business District Uses

The creation of Limited Business Districts is intended to encourage businesses to retain the atmosphere, character and general appearance typical of Colonial New England.

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A. Any use authorized in SECTION IV.

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B. Gift shops, antique shops, beauty parlors, motor courts, cottage colonies, motels, apartments or multiple dwellings, offices, lunchrooms, restaurants or tea-rooms, with a maximum seating capacity of forty (40) people. In no event shall any use include the sale or dispensation of alcoholic beverages or dancing.

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

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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.

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

provided that such use shall not change the character of the neighborhood nor be offensive, noxious, injurious or hazardous by reason of odors, fumes, waste, dust, smoke, vibration, traffic or noise or other cause. Such permits shall be approved by the Board of Health, within ten days of the hearing before the permit may be issued by the Board of Appeals.

D. Signs advertising goods or services offered by an occupant of the premises. Beacons or flashing signs of any type are prohibited in this area.

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

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. No lot occupied by a dwelling or structure shall be reduced in area to less than the minimum requirements nor shall any lot be divided so that the distance between an existing dwelling or structure and the new lot line or new way shall be less than the minimum requirements set forth in the table below.

Dist.	Area	Front- age (a)	Set- back (b)	Abuttor's Line
R-40	40,000 sq. ft.	150 ft.	40 ft.	25 ft.
R-30	30,000 sq. ft.	100 ft.	40 ft.	25 ft.
R-20	20,000 sq. ft.	100 ft.	25 ft.**	20 ft.
R-20A	20,000 sq. ft.	100 ft.	25 ft.	25 ft.
R-15	15,000 sq. ft.	75 ft.	25 ft.**	15 ft.
R-10	10,000 sq. ft.	75 ft.	25 ft.	15 ft.
Limited Bus.	10,000 sq. ft.	75 ft.	50 ft.	15 ft.
General Bus.			50 ft.*	15 ft.*

\* See Paragraph B  
 \*\* See Footnote (b)

Footnotes to the above table:

(a) Lot frontage is to be measured along the boundary line of a way, public and/or private, on which the lot abuts. (A way shall be deemed to be any way serving more than one lot).

(b) The setback line shall be a line measured from the line of a way, public and/or private, on which the lot abuts.

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

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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.

(d) A lot shall be deemed to have the frontage required if

- (1) it is large enough in any part thereof to contain the minimum square foot area required and a minimum of two sides of the lot shall not be less than 80% of the minimum required frontage, and
- (2) access to such lot is provided and specific approval for the use of such access is given by the Planning Board. The Planning Board shall approve the access required under (2) above if, in the opinion of the Board, it is wide enough and is otherwise satisfactory for a driveway and no other more satisfactory access is available. Access area shall not be considered as a part of the minimum size requirements or as any part of a lot side, as set forth in (1) above.

(e) In Residence Districts R-15 and R-20, the setbacks shall be forty (40) feet along the following roads, namely: Meeting House (Rte 137) Old Comers Road and Queen Anne Road north of Route 28.

B. Except in the general business areas of Main Street between Chatham Bars Avenue and Old Harbor Road and the Limited Business District off Bridge Street where no setback shall be required, and Old Harbor Road to Crowell Road and that part of the General Business District on the Protective By-Law Map east of Chatham Bars Avenue where the setback shall be twenty-five (25 ft.) all buildings hereafter erected, altered or reconstructed in business or limited business districts, shall extend not nearer the street line than fifty (50) feet, except when a building is erected on a corner of two streets, a setback of fifty (50) feet shall be required on one street (Main) and a setback of thirty (30) feet shall be required on the (Secondary) second street and shall provide off-street parking space reasonably adequate. A setback of fifteen (15) feet from the abutor's line shall be required in all General Business Districts except the business area of Main Street between Chatham Bars Avenue and Crowell Road. The validity of any building permit prior to the adoption of this amendment shall not be affected thereby.

The setback requirements of 50' in Limited Business and General Business districts shall be required from all state, county or town roads, but may be lessened to that of the adjacent residential district along ways within these districts upon approval of the Board of Selectmen and the Board of Appeals, if deemed adequate for the proposed use of the land.

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 (2½) stories and also, if for human habitation, shall provide a minimum area equal to the building 20' x 24' outside dimension.

D. Motels.

- 1. A motel lot shall be not less than 40,000 (forty thousand) square feet in area and not less than one hundred (100) feet in width at frontage on the street lot line.
- 2. Buildings on a motel lot shall not cover more than twenty-five (25) percent of the total area of such lot.
- 3. Buildings on motel lots shall be one story in height, and not more than one apartment for owner or other resident staff may be on a second

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story and in no case shall this apartment be located over or under a motel unit nor in any case shall one motel unit be placed over any other motel unit.

4. Each motel rental unit shall have one automobile parking space, whether open or roofed, of not less than three hundred (300) square feet area not including a part of sidewalk or of driveway.

5. There shall be not more than twenty (20) motel rental units per sixty thousand (60,000) square feet of land.

6. On application for motel building permit, the Board of Selectmen or Building Inspector shall study the motel site plan proposed relative to traffic safety and ease of access at street and highway entrances and exits of motel driveways, grades, sight distances and distance between such driveway entrances or exits and the nearest existing street or highway intersections. The Selectmen or Building Inspector shall determine that the foregoing requirements have been complied with before granting a permit.

E. Units in cottage colonies or motor courts shall not exceed one story in height and in no case shall one rental unit be placed over any other rental unit. They shall not be located less than twenty (20) feet apart from one another and, in addition to the separation area, shall provide one automobile parking space of not less than three hundred (300) square feet area per unit not including a part of sidewalk or of driveway.

F. The Board of Appeals may consider application 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.

G. No person shall park, store or occupy a tent or trailer for living or business purposes except: In a garage or other accessory building or in the rear half of a lot owned or occupied by the owner of the tent or trailer (if placed so as to conform to the yard requirements for main buildings in the same zone), but its use for business and/or living purposes is prohibited (unless temporary occupancy for a period not exceeding six (6) months in any one calendar year is permitted by the Board of Selectmen incidental to the construction of a permanent home).

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.

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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 "For Rent", or other temporary real estate development signs relating to the premises not exceeding an area of twelve (12) square feet may be used in any district.

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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.

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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.

As amended through May 22, 1962

By-Law adopted 1954; totally amended 1957; additional amendments 1958, 1959, 1961, 1962.

Attest:

Mabel E. Nicholas, Town Clerk