

## SECTION VIII ADMINISTRATION

**8.1 ENFORCEMENT** - This By-law shall be enforced by the Board of Selectmen or by an Inspector of Buildings appointed by it.

**8.2 PERMITS REQUIRED** - No building shall be built, altered or moved and no use of land or building shall be begun or changed without a permit having been issued. No building shall be occupied until application for permits shall be accompanied by a plan showing the lot, the area, and the building location on said lot with reference to front, side and rear lot lines.

8.2.1 Construction or operations under a building or special permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of not less than six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

**8.3 PENALTY** - Any person violating any of the provisions of this By-law may be fined not more than \$50.00 for each offense. Each day that such violation continues shall constitute a separate offense.

**8.4 BOARD OF APPEALS** - There is hereby established a Board of Appeals of five members and four associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this By-law in the manner prescribed in Chapter 40A of the General Laws. The Board of Appeals shall have the following powers:

8.4.1 Appeals - To hear and decide and appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of Chapter 40A, General Laws, or by any officer of Board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings or person or persons acting in that capacity, or other administrative official in violation of any provision of Chapt. 40A, General Law or of this By-law.

8.4.2 Special Permits - Except as provided in Section 6.6 and Section 6.18, the Board of Appeals shall have the authority to hear and decide all applications for special permits. Granting of a special permit for an adult entertainment use shall be pursuant to the requirements of Section 6.20, Adult Entertainment Uses, in addition to all other special permit requirements hereunder. The Board of appeals, or the Planning Board under Section 6.18, shall not grant a special permit unless it finds that the benefits of the proposal to the town will outweigh any adverse effects on the Town of the vicinity, taking into consideration the stated district objectives (Section 3.2) and, where germane, the following matters:

8.4.2.1 Suitability of the proposed location for this proposal, taking the following into consideration.

- (a) Nearby land uses, and whether they would be supported by or damaged by having the proposed use nearby.
- (b) Uses of the site which would be displaced by or preempted by this use.
- (c) Adequacy of roads, drainage, and other public services in relation to the location.
- (d) Whether the site is more sensitive than are most similarly zoned sites to environmental damage from a proposal such as this, considering erosion, siltation potential groundwater or surface water contamination, habitat disturbance, or loss of valuable natural vegetation.

8.4.2.2 Activity type, mix, and intensity, taking the following into consideration.

- (a) Whether the proposal contributes to the diversity of services or housing opportunities available locally.
- (b) Seasonal consequences, including addition to peak period congestion.
- (c) Service to local, in preference to regional, markets and to year-round, in preference to seasonal, activities.
- (d) For business developments, likelihood of year-round employment opportunities being created for residents, and the quality of those opportunities.
- (e) For residential developments, how substantially, if at all, the proposal contributes to housing affordable for year-round residents.

8.4.2.3 Building and site design, including consideration of the following.

- (a) Whether scenic views from public ways and developed properties have been considerably treated.
- (b) Whether reasonable efforts have been made to minimize visibility of parking and service areas from public streets.
- (c) Whether any traditional public access to or along the shoreline has been maintained.

8.4.2.4 Special permits shall be issued only following public hearings held within sixty-five days after filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant. Special permits shall lapse within two years and including such time required to pursue or wait the determination of an appeal from the grant thereof, in a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

8.4.2.5 Uses, whether or not on the same parcel as activities permitted as a 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 issuance of special permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

8.4.3 Variances - To grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this by-law where the Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and specifically affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-law.

8.4.3.1 Effect on Variances within Park and Notice of Same - Applicants for variances or special permit shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals of all applications or petitions made for variances or special permit to the By-laws for the Seashore District, and he shall be provided notice by the Planning Board of all applications for building permits involving the Seashore District: all such notices to be given within seven (7) days of receipt of the applications or petitions. Subsequently, to meet the requirements of the Act of Congress of August 7, 1961, the Secretary shall be given notice by the appropriate board of any variance, or exception, or, building permit, granted or denied for within the Seashore District.

**8.5 APPEALS OF BOARD OF APPEALS DECISIONS** - Any person aggrieved by a decision of the Board of Appeals must appeal within 20 days after filing of the Board's decision with the Town Clerk to either the District Court, the Land Court or the Superior Court, in accordance with the provisions of M.G.L. Ch. 40A.

**8.6 AMENDMENTS** - This By-law may be amended from time to time at an annual or special town meeting in accordance with the provisions of Section 6 of Chapter 40A, G.L.

**8.7 SEVERABILITY** - The invalidity of any section or provision of this By-law shall not invalidate any other section or provision thereof.

**8.8 INTERPRETATION, CONFLICT WITH OTHER LAWS** - In their interpretation and application, the provisions of this By-law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other lawfully adopted rules, regulations or By-law, the most restrictive or that imposing the higher standards, shall govern.

**8.9 EFFECTIVE DATE** - This By-law shall take effect upon final approval of the Attorney General of the Commonwealth of Massachusetts, and its publication in accordance with Section 32, Chapter 40, G.L. Upon its effective date, it shall supersede the Zoning By-law voted by the Town October 18, 1966, and any amendments thereof previously in effect.