

- b. Within 12 months of an application for the demolition of, or a building permit for any structure with a footprint of 240 square feet or greater;
 - c. Within 12 months of construction of any building or structure on a vacant lot; or
 - d. Within 12 months of construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater, excluding basements, open or screened porches and decks.
4. The requirements of this Tree Bylaw shall not apply to:
- a. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR) and/or the Edgartown Wetlands Protection Bylaw;
 - b. Public Shade Trees pursuant to Chapter 87 of the General Laws;
 - c. Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent and/or the Town Tree Warden;
 - d. Trees severely damaged as the direct result of a natural disaster, as determined by the Reviewing Agent and/or the Town Tree Warden;
 - e. Trees that are hazardous as determined in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
 - f. Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
 - g. Trees authorized for removal by the Special Permit Granting Authority after public notice and hearing conducted in accordance with Section 11 of Chapter 40A of the General Laws, and Section 17 of this Bylaw.
5. For the purposes of this section, the Planning Board shall be the Special Permit Granting Authority.

10.2. Uses

10.2.A.

Conditionally permitted uses.

The Special Permit Granting Authority may grant any applicant therefor a special permit to make use of his land or to erect or maintain structures thereon for the purposes stated in this Bylaw under Conditionally Permitted Uses.

10.2.A.1.

General Criteria.

The Board shall grant such a Special Permit only if, after public notice and hearing in accordance with MGL Chapter 40A, Section 11, the Board finds that the specific site is an appropriate location for such uses, that such uses will not adversely affect the neighborhood and that adequate and appropriate facilities and protection will be provided such as, without limiting the generality of the foregoing, parking facilities and screening of unsightly uses from public view.

10.2.A.2.

Small-scale businesses and industries in Residential Districts.

In addition to the requirements of subsection 10.2.A.1, special permits for small-scale businesses and industry in residential districts shall be granted only if the following requirements are also met:

- a. There shall be no more than four employees employed on the premises who are not also resident there.
- b. Traffic generated shall not exceed the volume normally expected in a residential neighborhood.
- c. Sufficient off-street parking will be provided, and this parking arrangement will require no backing out onto the public right-of-way.
- d. All outdoor parking, storage, loading and service areas will be screened from the view of the public road and from adjacent residences.
- e. There will be no odor, dust, fumes, glare or flashing light which is perceptible without instruments more than 200 feet from the boundaries of

the lot in question, except for warning devices, construction or maintenance work, or other special circumstances.

- f. The use will not cause continued erosion of the land or increased surface drainage from the lot.
- g. No pollution of the water or the air will result which is greater than that caused by a use which is allowed without a special permit.
- h. Where possible, the site design will preserve trees, water courses, hills, and other natural features, and enhance vistas, ocean views, and historic locations, and will minimize the intrusion into the character of existing development.
- i. Small-scale business and industrial activities in the residential districts shall take place in residential structures or in structures similar in character to residential dwellings.

10.2.B.**Mobile homes and recreational vehicles.**

No mobile home, recreational vehicle, or similar facility, however mounted, shall be occupied as a residence or parked, or stored within the town except as follows:

1. With the permission of the Building Inspector, mobile homes or similar facilities may be
 - a. Parked or stored for not more than 14 days; or
 - b. Used as an office or for storage in connection with a construction project.
2. A nonconforming mobile home or similar facility existing at the time of the passage of this Bylaw may not be replaced for any reason despite any other provisions of this Bylaw.
3. Recreational Vehicles may be:
 - a. Parked or stored on the property of the owner's residence or;
 - b. By permit from the Building Inspector used as a temporary residence for a period not to exceed 14 days provided that all requirements of the Board of Health are met.

10.2.C.**Unregistered cars.**

No person shall have more than one (1) unregistered car or truck ungaraged on the premises owned by him or under his control, and under no circumstances shall any unregistered or unsightly car or truck be stored in the front yard of said premises. This section shall not apply to premises covered by licenses issued under M.G.L. Chapter 140, Sections 57 and 58.

10.2.D.**Accessory scientific uses.**

Uses as permitted by M.G.L. Chapter 40A, Section 9.

10.2.E.**Eating establishments.**

Eating establishments shall be subject to the following in all districts where allowed: No food shall be served on the premises outside of a building, except by a special permit from the Special Permit Granting Authority, in accordance with a regulation appearing in Article 10.2.A and Article 11.4 of this Bylaw.

10.2.F.**Conversion of transient residential facilities.**

The conversion of a pre-existing, non-conforming Transient Residential Facility in the R-20, R-60 R-120 and RA-120 districts into a time-sharing or time-interval ownership dwelling unit is not permitted.

10.2.G.**General development regulations.**

1. No use shall be allowed in any district if injurious or offensive to the neighborhood by reason of odor, fumes, dust, smoke, vibration, or noise.