



PLANNING BOARD

Report to Town Meeting

**ARTICLE 6 FOOTNOTE A. AMENDMENT  
(Planning Board)**

To see if the Town will amend footnote a. of Table 3, Dimensional Regulations, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified ~~front setback~~ ***dimensional requirement*** in the context of the pattern(s) of ~~front setbacks~~ ***the same dimensions*** established by existing ~~residential buildings~~ ***and landscape features*** in the surrounding neighborhood.

Recommendation

The Planning Board voted 7 - 0 to recommend that Town Meeting adopt this article.

Background

Article 6 is a technical change. It seeks to amend Footnote a. of Table 3, Dimensional Regulations, of the Zoning Bylaw to recognize modifications that are already possible but which the language of the Bylaw does not acknowledge.

The Dimensional Regulations in Table 3 establish dimensional requirements for properties in every zoning district. There are a number of footnotes to Table 3 which either interpret or modify the dimensional requirements in specific cases. Footnote a. allows the Planning Board or Zoning Board of Appeals (whichever board is issuing the permit for the principal use on the property) to grant a Special Permit to modify a significant number of these specific dimensional requirements (see table on next page).

However, the current language for Footnote a. refers only to the modification of front setbacks—the first instance for which this permission was created decades ago. This vestigial situation could lead to confusion for citizens and Town boards trying to use the Bylaw.

The proposed revised language under Article 6 would make no changes in the current regulations, but would recognize the wide variety of dimensional requirements to which Footnote a. applies:

<u>Dimensional Regulation</u>	<u>Districts Where Modification is Allowed</u>
Basic Minimum Lot Area	OP, PRP
Additional Lot Area/Family	R-G, B-G, and B-VC
Basic Minimum Lot Frontage	OP, PRP
Basic Minimum Front Setback*	All districts
Basic Minimum Side and Rear Yards	B-L, COM and B-VC
Maximum Building Coverage	R-VC, R-G, and B-G
Maximum Lot Coverage	B-G only
Maximum Floors	All districts
Maximum Height	No district

\*The only dimensional requirement currently recognized in Footnote a.

Public Hearing

The Planning Board held a public hearing on Article 6 on September 30, 2009. There was no public comment. The Planning Board voted 7 – 0 to recommend that Town Meeting adopt this article.