

2016 ANNUAL TOWN MEETING

WARRANT ARTICLE FOR ZONING AMENDMENTS

(March 18, 2016)

ARTICLE A: RELATING TO THE CONSTRUCTION OF OVERSIZED DWELLING UNITS IN THE SINGLE RESIDENCE C ZONING DISTRICTS

1. To see if the Town will vote to amend Section 1.4, Definitions and Abbreviations, in the definition for 'Grade' by replacing the word 'altered' with 'raised' in the last sentence, as follows:

Grade - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contour lines shall be illustrated on a plan and shall be established prior to any filling or earth moving/removal activities. The grade shall not be ~~altered~~ raised more than 12 inches to allow for proper drainage.

2. To see if the Town will vote to amend Section 1.5.4, Nonconforming Single and Two-Family Residential Structures, by inserting:
 - a. The headings 'General Residence Zoning Districts', 'Single Residence C Zoning Districts', and 'All Other Districts', and
 - b. The provisions under the heading for 'Single Residence C Zoning Districts', as follows:

1.5.4 Nonconforming Single and Two-Family Residential Structures

General Residence Zoning Districts

In the General Residence Zoning District, as provided in Massachusetts General Law Chapter 40A, Section 6, preexisting non-conforming structures may be extended or altered with a Special Permit by the Planning Board, provided that no such extension or alteration shall be permitted unless there is a finding by the Planning Board that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Notwithstanding the foregoing, dormers that comply with Section 4.2.2, Linear Requirements, shall be allowed without review by the Planning Board. On lots that do not comply with the minimum area requirements of this Zoning By-Law (including the minimum lot area per dwelling unit), preexisting non-conforming single and two-family structures may not be voluntarily demolished and reconstructed except in accordance with a Special Permit issued by the Planning Board under Section 6D of this Zoning By-Law.

Single Residence C Zoning Districts

In the Single Residence C Zoning Districts, a nonconforming single- and two-family residential structure may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure.

The Building Commissioner may issue a Building Permit under the following circumstances:

- 1) An alteration to a structure which complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient area and/or frontage;
- 2) An alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;
- 3) A half-story addition to a nonconforming structure, that will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements.

If the proposed reconstruction, renovation, extension, alteration, or structural change does not meet the standards listed above, a Special Permit shall be required from the Board of Appeals.

If the Building Commissioner determines that such proposed reconstruction, extension, alteration, or structural change,

- 1) Increases the gross floor area of the non-conforming structure by more than thirty percent (30%); or,
- 2) Has been altered, extended, reconstructed or structural change made to the exterior of the structure within the past five (5) years beginning on the date of issuance of the most recently issued building permit,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board.

A nonconforming single- or two-family structure may be reconstructed after voluntary demolition in accordance with the following provisions:

1. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, and shall be only as great in volume or area as the original nonconforming structure.

2. If the proposed reconstruction would:

- a. cause the structure to exceed the gross floor area of the original non-conforming structure or
- b. cause the structure to be located other than on the original footprint,

a Special Permit under Section 6D of this Zoning By-Law, where applicable, shall be required from the Planning Board prior to such demolition.

The Special Permit Granting Authority may grant a Special Permit to reconstruct, extend, alter or change a nonconforming structure if it finds that the reconstructed and enlarged building:

- 1. is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties,
- 2. will not increase the existing nonconforming lot coverage, if it exists, and,
- 3. will not be substantially more detrimental than the existing nonconforming building to the neighborhood.

For the purposes of this Section, a nonconforming single- and two-family structure shall be defined as a single- and two-family structure on a lot that does not comply with the existing minimum lot area and/or frontage requirements and/or the single- and two-family structure encroaches or otherwise does not comply with one or more setbacks, open space, lot coverage or building height requirements.

In All Other Districts

In all other districts, nonconforming single and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming

nature of said structure. The Building Commissioner may issue a Building Permit under the following circumstances:

3. To see if the Town will vote to amend Section 4.2.2, Linear Requirements for Residential Districts, as follows:
 - a. Within the dimensional table create a new row for 'SR-C' by separating it from 'SR-B';
 - b. Under the 'Maximum Building Height, Feet' column, replace '36' with '30'; and,
 - c. Under subsection B. Height, insert an item '2' limiting the ridge to 34 feet and renumber the remaining items accordingly:

RESIDENTIAL DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-B and SR-C					
➤ Dwelling	25	10	30	36	2½
➤ Other	25	10	25	36	2½
<u>SR-C</u>					
➤ <u>Dwelling</u>	<u>25</u>	<u>10</u>	<u>30</u>	<u>30</u>	<u>2½</u>
➤ <u>Other</u>	<u>25</u>	<u>10</u>	<u>25</u>	<u>30</u>	<u>2½</u>

B. Height

2. In the SR-C Districts, the height of a Dwelling or other structure shall not exceed 34 feet to the ridge. Notwithstanding the definition of 'Height' in Section 1.4, the height of a Dwelling or other structure with a flat roof shall not exceed 30 feet to the highest point of the roof.

4. To see if the Town will amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting an item '2' and renumber the remaining items accordingly, as follows:

A. Setbacks

2. In the SRC Districts, the placement of ground-mounted outdoor mechanical and fuel storage equipment on a lot shall be subject to the following requirements:

- a. Not within the front yard - The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot;
- b. Not within the required side or rear setbacks;

- c. Not within at least 10'-0" of the front elevation; and,
- d. Screened so that it is not visible from the street or adjacent properties.

5. To see if the Town will vote to amend Section 4.2.2, Linear Requirements for Residential Districts, subsection A. Setbacks, by inserting an item '4' and renumber the remaining items accordingly, as follows:

A. Setbacks

4. Notwithstanding the front setback requirements listed in Section 4.2.2, the front setback for the SRC District shall be the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.