

ATM14 Zoning Amendment Summaries **as of March 27, 2014**

ARTICLE 31

Moved: That the Town pass over this article.

ARTICLE 32

Amendments to Sections 7, 8, 9, & 10 to increase maximum height of structures.

Sponsor: Planning Board

Report: The Planning Board held a public hearing on this amendment on March 18, 2014 and by a vote of 5-0 recommends approval of this amendment.

The current Zoning Bylaw restricts height of structures to 25' in the Lincoln Station area business district. This is more restrictive than the 36' limit that applies in the general residence district. The proposed amendment will establish a uniform height limit of 36' (and 2 ½ stories) throughout the Town's principal zoning districts. The Planning Board believes that this amendment will facilitate attractive, viable redevelopment within the Lincoln Station area.

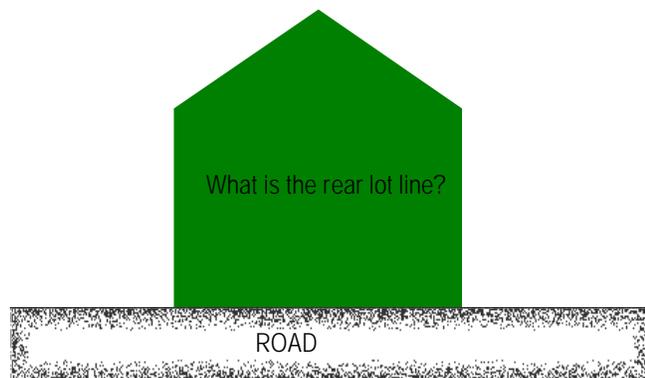
ARTICLE 33

Amendment to Section 13.2 to allow relief for rear lot lines

Sponsor: Planning Board

Report: The Planning Board held a public hearing on this amendment on March 18, 2014 and by a vote of 5-0 recommends approval of this amendment.

This amendment modifies the language of section 13.2.6 to allow the Planning Board to give relief when an irregular rear lot line causes unforeseen zoning violations. The current wording of section 13.2.6 provides no mechanism by which a lot without a clear rear lot line may obtain a rear lot line for zoning purposes.



ARTICLE 34

Amendment to Zoning Bylaw Sections 5, 6, 9, and 19 to consolidate references to MGL, Chapter 40A, Section 3

Sponsor: Planning Board

Report: The Planning Board held a public hearing on this amendment on March 18, 2014 and by a vote of 5-0 recommends approval of this amendment.

The proposed amendment makes no substantive change to the Zoning Bylaw. Massachusetts General Laws c.40A, s.3 limits the extent to which local zoning can regulate certain “protected” uses. Our current Zoning Bylaw attempts to be consistent with state law by specifically mentioning these uses wherever our local zoning controls may be inapplicable or limited by the preemptive effect of state law.

Difficulty arises because the state legislature frequently modifies c. 40A, s. 3 to expand the number and types of protected uses, leading to new court decisions which interpret the meaning of the legislature’s actions. It has become impractical to track these changes within our Zoning Bylaw. The proposed amendment therefore replaces references to uses protected by c.40A, s.3 with a simple phrase to be incorporated into Section 5, stating that our Zoning Bylaw applies.... “To the extent not inconsistent with the laws of the Commonwealth of Massachusetts...”

ARTICLE 35

Amendment to Zoning Bylaw Section 13 to require Site Plan Review for projects that generate substantial vehicular traffic

Sponsor: Planning Board

Report: The Planning Board held a public hearing on this amendment on March 18, 2014 and by a vote of 5-0 recommends approval of this amendment.

Our current Zoning Bylaw requires Site Plan Review in the R1 residential district for projects that exceed square foot thresholds (6500 square feet of floor area for standard size residential lots, and as low as 4000 square feet for small grandfathered lots). Experience shows that nonresidential projects can generate substantial traffic without exceeding the square foot threshold, and they are therefore not subject to Site Plan Review. To deal with this situation, the amendment proposes an additional trigger for Site Plan Review based on vehicle trips/day.

The trips/day threshold will be applied prospectively by the Town’s Building Commissioner prior to issuance of a building permit, based on data for uses that are specifically described in the ITE Trip Generation Manual. As a farm-friendly town, we note that farms and farm stands are not specifically described in the ITE Manual; construction for these uses will not trigger site plan review under this amendment.

ARTICLE 36

Amendment to Section 6.0.2 to include site plan review when new structures are proposed on lots with existing structures and calculated gross floor area thresholds are exceeded

Sponsor: Planning Board

Report: The Planning Board held a public hearing on this amendment on March 18, 2014 and by a vote of 5-0 recommends approval of this amendment.

Section 6.0.2 specifies the circumstances under which proposed construction or renovation is subject to Site Plan Review. The existing wording exempts from Site Plan Review new buildings on lots where an existing structure is not removed. This is a mistake in drafting the original wording. This amendment corrects the wording of Section 6.0.2.

ARTICLE 37

Amendment to Section 12.3 to update the floodplain maps

Sponsor: Conservation Commission

Report: The Planning Board held a public hearing on this amendment on March 18, 2014 and by a vote of 5-0 recommends approval of this amendment.

The Federal Emergency Management Agency (FEMA) is currently involved in an effort to "modernize" and update their Flood Insurance Rate Map (FIRM) inventory. FIRMs need to be updated for a number of reasons, including outdated base maps, development in watersheds, advancements in flood modeling, etc. This amendment will update the floodplain map references in the Zoning Bylaw.

ARTICLE 38

Amendment to Zoning Bylaw Section 15 to require setbacks for parking spaces, maneuvering aisles, and interior driveways

Sponsor: Planning Board

Report: The Planning Board held a public hearing on this amendment on March 18, 2014 and by a vote of 5-0 recommends approval of this amendment.

The current Zoning Bylaw has no parking, aisle, or driveway setback requirements for uses that require less than 15 parking spaces. These elements can be placed directly adjacent to lot lines or buildings. The most significant aspect of the amendment is the 25/50' setback that is proposed for nonresidential development, other than farming, in the R1 district. This should help to preserve the residential character of neighborhoods that host nonresidential development.

This amendment also proposes a 10' setback from lot lines for residential uses in the R1 district, consistent with the 10' buffer zone that the Planning Board applies to site plans for residential projects under ZBL Sec. 17.7.4(f). A 5' setback from buildings is proposed to enhance safety.

Section 15.4 of the proposed amendment provides a waiver mechanism where hardship or necessity is a factor. This provision is already present in the current Zoning Bylaw; the only change proposed is to consolidate this element of site planning within the Planning Board by transferring jurisdiction for the waiver from the Zoning Board of Appeals.

ARTICLE 39

Moved: That the Town pass over this article.