

Article 12 Zoning Bylaw Amendment – Building Height

To determine whether the Town will vote to approve the following amendments to the Zoning Bylaw relating to building height, or take other action relative thereto:

Section 6.2.10 Height

Current Text:

~~6.2.10 Height~~

~~In all Districts, except the Limited Business, Industrial and Industrial Park Districts, no building shall be altered or erected to exceed three (3) stories or thirty seven (37) feet in height. In the Limited Business District, where the front yard minimum is thirty five (35) feet, the height shall not exceed three (3) stories or thirty seven (37) feet; and where the front yard minimum is ten (10) feet, the height shall not exceed two (2) stories or twenty five (25) feet. In the Industrial and Industrial Park Districts height shall not exceed three (3) stories or forty two (42) feet. Height is to be measured as the vertical distance from the average ground elevation around the perimeter of the structure to the highest point of a roof or parapet in the case of a flat roof, or to the mean average finished grade between the plate and the ridge in the case of a pitched roof, plus not more than eight (8) feet additional for mechanicals to service the building.~~

Proposed Text:

Delete Section 6.2.10 in its entirety and replace with the following:

6.2.10 Height

In all Districts, the building height shall not exceed the dimensions noted in Table II Dimensional Regulations.

In all Districts, except Residential Districts, the height of a building shall be measured as the vertical distance from the average ground level around the perimeter of a building to either the top of the highest ridge in the case of a pitched roof, or the highest point of the exterior in the case of a flat roof.

In the Residential Districts, the height of a building shall be measured as the vertical distance from the base elevation to the top of the highest ridge in the case of a pitched roof, or the highest point of the exterior in the case of a flat roof.

Chimneys, spires, towers, ventilators, skylights, tanks, antennae and other projections not used for human occupancy or storage may extend not more than 8-feet above the height limits herein fixed.

Add a new Section, 6.2.10.1 Base Elevation:

6.2.10.1 Base Elevation

The base elevation is the average elevation of the ground between where the two corners of the lowest foundation wall of a building meet the ground. The base elevation shall be determined prior to disturbing the original ground which includes, but is not limited to, demolition of existing building, excavation for new building, clearing and grubbing, cutting and filling and general grading of the land. The base elevation shall be certified by a registered land surveyor and shown on a certified plot plan to be verified by the Building Inspector prior to commencement of work on the property.

In Residential Districts, the base elevation may be adjusted if the ground is altered to facilitate proper stormwater drainage around and/or away from the building; however, the base elevation

may not be raised more than (2) two-feet at the building foundation location. A Special Permit allowing more than (2) two-feet adjustment to the base elevation noted above may be granted by the Zoning Board of Appeals if the Board finds that literal application of this requirement would be unreasonable because of soils or topography and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

Add a new Figure 3A depicting the method by which height is measured on a pitched-roof building in Residential Districts:

FIGURE 3A

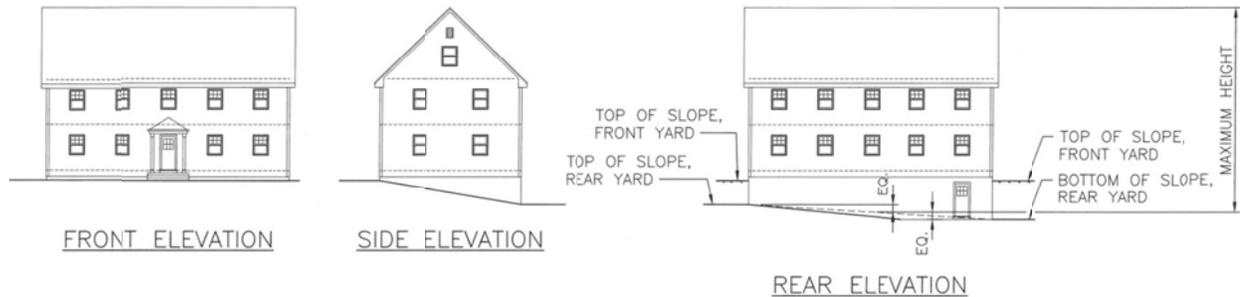


Table II Dimensional Regulations

Amend Table II Dimensional Regulations, as follows: a) Add “/STORIES” to the MAXIMUM HEIGHT heading after “IN FEET.” b) Change Maximum Height (in feet) in Residence R, Residence A, Residence B, Residence C and Residence D Standard Subdivisions, and Residence R, Residence A, Residence B, Residence C and Residence D Cluster Developments from 37, to Maximum Height (in Feet/Stories) to 35/3. c) Add footnote *** to explain the rationale for two sets of Limited Business District height regulations, which was deleted under the proposed paragraph 6.2.10 amendment. d) Add “/3” after the number of feet in the MAXIMUM HEIGHT column for the General Business District and Limited Business District to clarify the maximum number of stories that are permitted in these districts, which were deleted under the proposed paragraph 6.2.10 amendment.

Table II Dimensional Regulations

MAXIMUM ZONING DISTRICTS Ratio %	MINIMUM	MINIMUM	FRONTAGE	MINIMUM	MINIMUM	MINIMUM	MINIMUM	CORNER	MAXIMUM	MAXIMUM	MINIMUM	
	LOT AREA IN SQ.FT.	LOT FRONTAGE IN FEET	EXCEPTION IN FEET	LOT WIDTH IN FEET	FRONT YARD IN FEET	SIDE YARD IN FEET	REAR YARD IN FEET	CLEARANCE IN FEET	HEIGHT IN FEET/ STORIES	LOT COVERAGE %	LOT Landscaping %	Floor Area or Density
RESIDENCE R Standard Subdivision	60,000	200	160	160	35	15	30	15	37 35/3	—	—	—
RESIDENCE A "	40,000	150	120	120	35	15	30	15	37 35/3	—	—	—
RESIDENCE B "	30,000	125	100	100	35	15	30	15	37 35/3	—	—	—
RESIDENCE C "	25,000	115	92	92	35	15	30	15	37 35/3	—	—	—
RESIDENCE D	10 acres	50	-	50	20	50	50	15	37 35/3	25	50	4 Dwellings Per Acre
RESIDENCE R Cluster Development	40,000	125	50	125	35	15	30	15	37 35/3	—	—	—
RESIDENCE A "	30,000	100	50	100	35	15	30	15	37 35/3	—	—	—
RESIDENCE B "	20,000	75	50	75	35	15	30	15	37 35/3	—	—	—
RESIDENCE C "	15,000	75	50	75	35	15	30	15	37 35/3	—	—	—
LIMITED BUSINESS***	10,000	60	—	50	35	10	10	15	37/3	35	25**	50
LIMITED BUSINESS***	10,000	60	—	50	10	10	10	15	25/3	35	25**	50
GENERAL BUSINESS	80,000	—	—	—	10	10	10	15	37/3	35	25**	50
COMMERCIAL	20,000	90	—	50	35	20/50*	20/50*	15	37	25	30**	—
INDUSTRIAL E	60,000	90	—	50	35	50/100*	50/100*	15	42	25	50**	25
INDUSTRIAL FARK A	4 acres	50	—	50	100	50/150*	50/150*	15	42	25	50**	25
INDUSTRIAL C	4 acres	50	—	50	100	50/150*	50/150*	15	45	25	50**	35

*Where the use abuts a residential district, the higher yard size applies.

**Where the use abuts a residential district, a landscape buffer shall be provided as specified in Section 6.2.12.

*** In the Limited Business District, where the front yard minimum is thirty-five (35) feet, the height shall not exceed three (3) stories or thirty-seven (37) feet; and where the front yard minimum is ten (10) feet, the height shall not exceed two (2) stories or twenty-five (25) feet.

See Section 6 for provisions applicable to this Table II.

Overview from the Planning Board: This amendment changes the way height is measured on buildings with pitched roofs; lowers the allowable height in all Residential Districts; and minimizes the creation on residential lots of layered “plateaus” that are constructed to significantly raise the existing ground elevation at the building’s foundation.

The current maximum allowable height in all Residential Districts is 37-feet. This height is measured “...as the vertical distance from the average ground elevation around the perimeter of the structure to the highest point of a roof or parapet in the case of a flat roof, or to the mean average finished grade between the plate and the ridge in the case of a pitched roof” (in other words, half-way up the roof). This non-intuitive approach leads to misunderstanding and questions about why some residences seem so much taller than the 37-foot limit would imply.

This method for measuring building height for pitched-roof buildings finds its roots in building codes, not zoning laws. However, the relevant question here is not about the interior space, but rather the impact of a building when experienced from the surrounding environment.

Tall structures can have a looming effect, particularly in areas with undersized (i.e. non-conforming) lots. While these homes may technically meet the current height limit, they often are out of scale with the existing neighborhood and can appear to tower over adjacent homes. Abutters and neighbors may experience a loss of light, air, and privacy. Further, it has become common practice when new dwellings are built to bring in fill to raise the lot elevation to create a walk-out basement level.

Approval of this amendment will bring our measurement methods and height limits in line with regional standards; offer protection to abutting property owners where tall structures are proposed; encourage preservation of neighborhood scale, proportion and character; and provide adequate light and air in neighborhoods.

RECOMMENDATIONS:

Selectmen: Recommendation to be given at Town Meeting.

Planning Board: Recommendation to be given at Town Meeting.

Finance Committee: Recommendation to be given at Town Meeting.