



Office of the Town Clerk

Town of Chelmsford
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Patricia E. Dzuris, CMC
Town Clerk

**CERTIFICATE OF VOTE
ARTICLE 26**

Zoning By-law Amendment

Amend the Town Code, Chapter 195: "Zoning Bylaw," Article XVIII "Planned Open Space Development", section 195-93.A

2019 Fall Annual Town Meeting

Third and Final Session – Monday, October 28, 2019

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 26 at the third and final session of the 2019 Fall Annual Town Meeting held at the Chelmsford Senior Center 75 Groton Road, Chelmsford, MA 01863. The meeting was called to order at 7:30 PM by Moderator Jon H. Kurland. At the time of the vote, there were 127 members present which satisfied a quorum requirement of 82.

ARTICLE 26. To see if the Town will vote to amend the Town Code, Chapter 195: "Zoning Bylaw," by amending Article XVIII "Planned Open Space Development", section 195-93.A to reduce the minimum 10 acres down to 5 acres, section 195-93.C to reduce the perimeter setback from 100 feet to 75 feet, section 195-94 to revise the definition / formula for providing open space and to amend the Use Regulation Schedule, Attachment 1, line A.7 to indicate "by-right" in the RA and RB zoning districts as follows:

a) By deleting Section 195-92 in its entirety and replacing it with the following language:

"§ 195-92 Purpose. Planned open space developments, hereinafter known as "POS," may be allowed by by-right in the form of Site Plan Review by the Planning Board for the purpose of providing attractive, convenient, efficient neighborhoods and to promote the conservation of open space and the efficient use of land in harmony with its natural features."

b) By amending Section 195-93 General standards, Paragraph "A" by deleting the number "10" in the first sentence and replacing it with the number "5";

c) By amending Section 195-93 General standards, Paragraph "C" by deleting the number "100" and replacing it with the number "75";

d) By deleting the first paragraph of Section 195-94 "Open space requirements" in its entirety and replacing it with the following language:

“A minimum of 25% open space, excluding required yards and buffer areas shall be provided. Such open space may be separated by the road(s) constructed within the site. At the discretion of the Planning Board, the open space provided may be off-site, upon a demonstration that such land promotes the purpose set forth in this article. The percentage of the open space which is wetlands, as defined pursuant to MGL c. 131, § 40, shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this article.”

; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

S. George Zaharoolis of Precinct 3 made a motion to amend Article 26 by striking the text in strike out and inserting the underlined text in section a). The Planning Board accepted this as a friendly amendment. Selectman Virginia Crocker Timmins opposed the original motion but supports the amended motion.

AMENDED MOTION UNDER ARTICLE 26: I move that the Town amend the Town Code, Chapter 195: “Zoning Bylaw,” by amending Article XVIII “Planned Open Space Development”, section 195-93.A to reduce the minimum 10 acre requirement down to 5 acres, section 195-93.C to reduce the perimeter setback requirement from 100 feet to 75 feet, section 195-94 to revise the definition / formula for providing open space and to amend the Use Regulation Schedule, Attachment 1, line A.7 to indicate “by-right” in the RA and RB zoning districts as follows:

a) By deleting Section 195-92 in its entirety and replacing it with the following language:

“§ 195-92 Purpose. Planned open space developments, hereinafter known as "POS," may be allowed ~~by by-right in the form of Site Plan Review~~ by special permit by the Planning Board for the purpose of providing attractive, convenient, efficient neighborhoods and to promote the conservation of open space and the efficient use of land in harmony with its natural features.”

b) By amending Section 195-93 General standards, Paragraph “A” by deleting the number “10” in the first sentence and replacing it with the number “5”;

c) By amending Section 195-93 General standards, Paragraph “C” by deleting the number “100” and replacing it with the number “75”;

d) By deleting the first paragraph of Section 195-94 “Open space requirements” in its entirety and replacing it with the following language:

“A minimum of 25% open space, excluding required yards and buffer areas shall be provided. Such open space may be separated by the road(s) constructed within the site. At the discretion of the Planning Board, the open space provided may be off-site, upon a demonstration that such land promotes the purpose set forth in this article. The percentage of the open space which is wetlands, as defined pursuant to MGL c. 131, § 40, shall not normally exceed the percentage of the tract which is

wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this article.”

SUBMITTED BY: Planning Board
Two-Thirds Vote

Recommendations:

Board of Selectmen: Recommends against approval by a vote of 3-2

Finance Committee: Unanimously recommends approval

Planning Board: Majority recommends approval by a vote of 6-1

The electronic voting devices recorded the following votes:

YES: 96 NO: 29 ABSTENTIONS: 2

AMENDED MOTION UNDER ARTICLE 26: Carries by two-thirds vote

A TRUE COPY ATTEST:



Patricia E. Dzuris, CMC
Town Clerk