



RECEIVED

2011 JAN 19 AM 11:09

TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

Raymonde R. Legrand
Assistant Town Clerk

Office of the Town Clerk

50 Billerica Road
Chelmsford, MA 01824-3190
978-250-5205
FAX 978-250-5208

Elizabeth L. Delaney
Town Clerk

To Whom It May Concern:

NOV 24 2010

The Annual Fall Town Meeting of October 18, 2010, was called to order at 7:35 PM at the Senior Center at 75 Groton Rd. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were 135 Town Meeting Representatives present. The following action took place:

UNDER ARTICLE 17. Dwight Hayward moved to waive the reading of the article. The Moderator asked for a vote on the motion by way of a show of hands, **motion carried, unanimously.**

The Town Manager asked that Evan Belansky Community Developer Director to come forward and explain this article and the next two. The Planning Board held a public hearing on September 22, 2010 and closed it on October 6, 2010. He explained that article 17 adopts a new zoning provision specifically for 1 & 2 family dwellings to allow a reduction, via a special permit, of up to 20% for front, side, rear yard setbacks requirements. The article will provide regulatory flexibility and design flexibility. This article is supported by the Zoning Board of Appeals and the Master Plan Committee. The Moderator asked if there were any questions. Marian Paresky asked if this article was related to the limited accessory article. No it is not. She asked what the Limited Accessory Apartment article was about. He explained that this would provide a secondary legal option to assist homeowners. She asked is this for two families living in a double residence. Yes, it does not create additional two family zoning. Where 2 family zoning already exists the homeowner can petition the Zoning Board of Appeals for a reduction in the set backs. Bill Griffin made a point of order requesting that the speaker only address each article one at a time. The Moderator explained that there are times such as this when articles even though separate need to be explained together in order to make sense of the information before the Body. Andrew Silinish asked if the appeal could only address for one set back on the property or for multiple set backs. Evan Belansky said in most cases the appeal would be for multiple set backs. Peggy Dunn and Deborah Dery asked questions concerning the set backs and the amount of times a homeowner could appear before the ZBA and the abutters options. The Moderator asked for further questions, hearing none he asked for recommendations. The Finance Committee had no recommendation for this article. The Board of Selectmen recommended the article. Vice Chairman of the Planning Board James Lane gave the Planning Board's recommendation. A public hearing was held on September 22nd continued to October 6th and closed by the Planning Board on that date and the Planning Board voted unanimously to endorse the article. Susan Carter of the Planning Board further explained that this article does not allow a homeowner to change the floor area ratio on the existing building it only addresses the need of set back requirements when an



RECEIVED

2011 JAN 19 AM 11:09

TOWN OF CHELMSFORD
ELIZABETH L. DELANEY
TOWN CLERK

Raymonde R. Legrand
Assistant Town Clerk

Elizabeth L. Delaney
Town Clerk

Office of the Town Clerk

50 Billerica Road
Chelmsford, MA 01824-3190
978-250-5205
FAX 978-250-5208

addition like a two car garage is being added to the property. The Board is and was very aware of the various lot sizes in Town that existing neighborhoods have. Peggy Dunn expressed concerns about the possibility of big additions being added onto homes and that the by-law should not be changed. The Moderator asked if there was any more debate, hearing none he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried by recognizing the 2/3's vote by-law.** The article reads as follows:

Ann B. McGuigan Chairman of the Planning Board moved that the Town vote to amend the Town Code, Chapter 195, "Zoning Bylaw", Article IV "Dimensional; Regulations", "Conformity Required," by redesigning the current sub-section, § 195-9, "Conformity Required" as subsection "A" and adding a new subsection in § 195-9 "B", as follows:

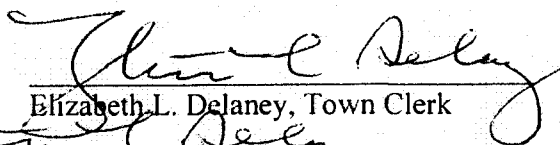
195-9 Conformity Required

B. Reductions to Dimensional Requirements

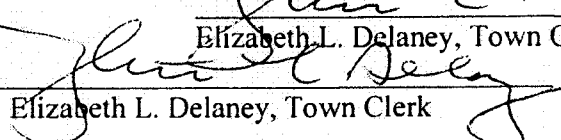
For purposes of single and two family dwellings, the Zoning Board of Appeals may issue a Special Permit for the reduction, of not more than twenty percent (20%) from front, side and rear yard dimensional requirements, within the Table of Dimensional Requirement, if the Zoning Board of Appeals finds that the reduction meets the following criteria:

- (a) The lot or structure may not be developed without a reduction in the dimensional requirements or a site design is proposed which is more suitable for the lot than one which would be allowed under the permitted dimensional requirements;
- (b) Adjacent properties would not be adversely impacted; and
- (c) The reduced dimensions would not be detrimental to the public good and would not substantially deviate from the intent or purpose of this Zoning Bylaw.
- (d) Any lot reduced under this section may not be further reduced or subdivided.

Sincerely,


Elizabeth L. Delaney, Town Clerk

A True Copy Attest:


Elizabeth L. Delaney, Town Clerk