

RECEIVED

2018 AUG -2 P 2:35

**Height Regulations 8.2.18**

To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by *adding* the following language to Section V following the word "building":--

"The term "half-story," as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds the floor area of the story immediately below it. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building, as such ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a building shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, solar energy systems, and any other projections.

2. Additional Height Limits and Exceptions in Residence AA, A, B and C Districts. In a Residence AA, A, B or C district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. Towers which are part of any building not used for religious or educational purposes shall not exceed forty (40) feet in height. One or more spires, domes, cupolas, and/or towers in excess of thirty-five (35) feet in height may be a part of a building which is used for religious or educational purposes, provided that no such spire or tower may be in excess of twice the height of the building as determined for Paragraph 1 and that the portion of any spire, dome, cupola or tower in excess of thirty-five (35) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower, or dome in excess of thirty-five (35) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy (70) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean grade of the natural ground contiguous to the building of which the spire, dome, cupola or tower is part, as such natural ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a spire, dome, cupola or tower shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals.

3. Existing Nonconforming Buildings with an Educational or Religious Use. In a Residence AA, A, B or C district, buildings in excess of thirty-five (35) feet in height, lawfully existing on May 31, 1991 with an educational or religious use may be maintained and/or altered for educational or religious use so long as any alteration does not increase the extent of the building's nonconformity with the applicable height, setback, and building coverage provisions in Sections V and VI.

B. Building Heights in Residence D Districts. In a residence D district, no building shall be erected or altered to exceed three (3) stories or thirty-five (35) feet in height, whichever is less. The Board of

Appeals, upon a finding that additional stories and/or height are reasonably necessary in order to provide housing for the elderly and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for use as housing for the elderly not to exceed (6) stories or sixty-five (65) feet in height, whichever is less. Included in any such authorization for additional height may be one or more spires, domes, cupolas, or towers. The term "story," as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building, excluding chimneys and lightning rods. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet.

C. Building Heights in Residence D-1 Districts. In a residence D-1 district, no building shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less. The term "story," as used in this paragraph shall not include a basement as long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The term "half-story," as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding chimneys, lightning rods and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. A cupola shall not exceed the height of building by more than ten (10) feet.

D. Building Heights in Residence D-2 Districts. In a Residence D-2 district, no building shall be erected or altered to exceed forty-five (45) feet in height above the mean finished grade of the ground contiguous to the building. Mean finished grade shall be the grade of the ground contiguous to the building as such ground will exist subsequent to construction. Height of a building shall be measured to the highest part of the building excluding chimneys, lightning rods, and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3), feet. A cupola shall not exceed the height of a building by more than eighteen (18) feet.

E. 1. Building Heights in Business Districts. In a business district, no building shall be erected or altered to exceed three (3) stories or forty-five (45) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or additional height are reasonably necessary for use of a building and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building not to exceed five (5) stories or sixty-five (65) feet in height, whichever is less. The term "story," as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, and any other projections.

2. Additional Height Limits and Exceptions in Business Districts. In a business district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. The Board of Appeals may authorize by special permit one or more spires, domes, cupolas and/or towers in excess of forty-five (45) feet in height above the ground but less than seventy-five (75) feet in height above the ground as part of a building with a business use. One or more spires, domes, cupolas, and/or towers in excess of forty-five (45) feet in height above the ground may be a part of a building which is used for religious or educational purposes, provided that no such spire, dome, cupola or tower may be in excess of twice the height of the building as determined for Paragraph 1, and that the portion of any spire, dome, cupola or tower in excess of forty-five (45) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower or dome in excess of forty-five (45) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy-five (75) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot in a residence district under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean finished grade of the ground contiguous to the building of which the spire, dome, cupola or tower is part, as such ground will exist subsequent to construction.

F. Buildings with an Educational or Religious Use in Residence D, D-1 and D-2 Districts.

Notwithstanding the foregoing Paragraphs B, C and D, any building for educational or religious use in a Residence D, D-1 or D-2 district, which is not an accessory use to housing for the elderly or handicapped in a Residence D or Residence D-1 district or an accessory use to housing for the elderly in a Residence D-2 district or for which no special permit has been issued pursuant to Section III.D, shall meet the requirements contained in Paragraph A for a building for educational or religious use in a Residence AA district. Any building or portion of a building with such a non-accessory educational or religious use in a Residence D, D-1 or D-2 district shall also be subject to all other regulations of these bylaws applicable to such a building in a Residence AA district, including, but not limited to, the Building Coverage and Floor Space provisions in Section VI.E., the Open Space provisions in Section VI.F., and the parking regulations in Section VII. The addition of a new building with such a non-accessory educational or religious use or conversion of an existing building to such a use shall render any other building or buildings with a different use on the same lot or on adjoining lots in common ownership nonconforming.

G. Antennas. In any zoning district, the Board of Appeals may authorize by special permit an antenna in excess of the height permitted in this section but not to exceed fifty (50) feet in height above the ground if the additional height is necessary for use of the antenna and will have no substantial adverse effect on neighboring properties. If, under applicable state or federal law, an applicant is entitled, as a matter of right, to an antenna in excess of the height permitted hereunder, the Board of Appeals shall authorize an antenna in accordance with the requirements of such law, subject to permissible safeguards and conditions minimizing any adverse effect on neighboring properties. The provisions of this Section V do not apply to wireless telecommunications facilities, which are governed by Section III.G.

H. Berms and Terraces. Earthen berms or other mounding of earth materials, which exceed a slope rising more than one (1) foot in four (4) feet (4:1) within thirty (30) feet of a building shall not be considered in determining the mean finished grade of the building. Terraces, which project less than fifty (50) feet from the face of a building, shall not be considered in determining the mean finished grade of the building. This

subsection shall not apply to any project for which site Plan Approval pursuant to Section V III.F has been granted by the Planning Board prior to adoption of this subsection, even if amendments to such site plan approval are subsequently granted.”

As amended Section V. shall read: --

“V. A. 1. In a Residence AA, A, B or C district, no building, including dwellings, accessory buildings, buildings for educational or religious use, and any other structures of whatever sort shall be erected or altered to exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is less, provided that if the building is set back from each street and lot line fifteen (15) feet or more farther than is required by section VI, it may have three (3) stories but shall not exceed thirty-five (35) feet in height. The Board of Appeals, upon a finding that additional height is reasonably necessary for use of a building and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for religious or educational use not to exceed fifty (50) feet in height with no more than two (2) stories. The term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean grade of the ground contiguous to the building provided that with respect to a building constructed before 1950 the term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than six (6) feet above the mean grade of the ground contiguous to the building. The term “half-story,” as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds the floor area of the story immediately below it. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building, as such ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a building shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, solar energy systems, and any other projections.

2. Additional Height Limits and Exceptions in Residence AA, A, B and C Districts. In a Residence AA, A, B or C district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. Towers which are part of any building not used for religious or educational purposes shall not exceed forty (40) feet in height. One or more spires, domes, cupolas, and/or towers in excess of thirty-five (35) feet in height may be a part of a building which is used for religious or educational purposes, provided that no such spire or tower may be in excess of twice the height of the building as determined for Paragraph 1 and that the portion of any spire, dome, cupola or tower in excess of thirty-five (35) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower, or dome in excess of thirty-five (35) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy (70) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean grade of the natural ground contiguous

to the building of which the spire, dome, cupola or tower is part, as such natural ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a spire, dome, cupola or tower shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals.

3. Existing Nonconforming Buildings with an Educational or Religious Use. In a Residence AA, A, B or C district, buildings in excess of thirty-five (35) feet in height, lawfully existing on May 31, 1991 with an educational or religious use may be maintained and/or altered for educational or religious use so long as any alteration does not increase the extent of the building's nonconformity with the applicable height, setback, and building coverage provisions in Sections V and VI.

B. Building Heights in Residence D Districts. In a residence D district, no building shall be erected or altered to exceed three (3) stories or thirty-five (35) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or height are reasonably necessary in order to provide housing for the elderly and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for use as housing for the elderly not to exceed (6) stories or sixty-five (65) feet in height, whichever is less. Included in any such authorization for additional height may be one or more spires, domes, cupolas, or towers. The term "story," as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building, excluding chimneys and lightning rods. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet.

C. Building Heights in Residence D-1 Districts. In a residence D-1 district, no building shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less. The term "story," as used in this paragraph shall not include a basement as long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The term "half-story," as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding chimneys, lightning rods and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. A cupola shall not exceed the height of building by more than ten (10) feet.

D. Building Heights in Residence D-2 Districts. In a Residence D-2 district, no building shall be erected or altered to exceed forty-five (45) feet in height above the mean finished grade of the ground contiguous to the building. Mean finished grade shall be the grade of the ground contiguous to the building as such ground will exist subsequent to construction. Height of a building shall be measured to the highest part of the building excluding chimneys, lightning rods, and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3), feet. A cupola shall not exceed the height of a building by more than eighteen (18) feet.

E.

1. Building Heights in Business Districts. In a business district, no building shall be erected or altered to exceed three (3) stories or forty-five (45) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or additional height are reasonably necessary for use of a building and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building not to exceed five (5) stories or sixty-five (65) feet in height, whichever is less. The term "story," as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, and any other projections.
2. Additional Height Limits and Exceptions in Business Districts. In a business district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. The Board of Appeals may authorize by special permit one or more spires, domes, cupolas and/or towers in excess of forty-five (45) feet in height above the ground but less than seventy-five (75) feet in height above the ground as part of a building with a business use. One or more spires, domes, cupolas, and/or towers in excess of forty-five (45) feet in height above the ground may be a part of a building which is used for religious or educational purposes, provided that no such spire, dome, cupola or tower may be in excess of twice the height of the building as determined for Paragraph 1, and that the portion of any spire, dome, cupola or tower in excess of forty-five (45) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower or dome in excess of forty-five (45) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy-five (75) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot in a residence district under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean finished grade of the ground contiguous to the building of which the spire, dome, cupola or tower is part, as such ground will exist subsequent to construction.

F. Buildings with an Educational or Religious Use in Residence D, D-1 and D-2 Districts.

Notwithstanding the foregoing Paragraphs B, C and D, any building for educational or religious use in a Residence D, D-1 or D-2 district, which is not an accessory use to housing for the elderly or handicapped in a Residence D or Residence D-1 district or an accessory use to housing for the elderly in a Residence D-2 district or for which no special permit has been issued pursuant to Section III.D, shall meet the requirements contained in Paragraph A for a building for educational or religious use in a Residence AA district. Any building or portion of a building with such a non-accessory educational or religious use in a Residence D, D-1 or D-2 district shall also be subject to all other regulations of these bylaws applicable to such a building in a Residence AA district, including, but not limited to, the Building Coverage and

Floor Space provisions in Section VI.E., the Open Space provisions in Section VI.F., and the parking regulations in Section VII. The addition of a new building with such a non-accessory educational or religious use or conversion of an existing building to such a use shall render any other building or buildings with a different use on the same lot or on adjoining lots in common ownership nonconforming.

G. Antennas. In any zoning district, the Board of Appeals may authorize by special permit an antenna in excess of the height permitted in this section but not to exceed fifty (50) feet in height above the ground if the additional height is necessary for use of the antenna and will have no substantial adverse effect on neighboring properties. If, under applicable state or federal law, an applicant is entitled, as a matter of right, to an antenna in excess of the height permitted hereunder, the Board of Appeals shall authorize an antenna in accordance with the requirements of such law, subject to permissible safeguards and conditions minimizing any adverse effect on neighboring properties. The provisions of this Section V do not apply to wireless telecommunications facilities, which are governed by Section III.G.

H. Berms and Terraces. Earthen berms or other mounding of earth materials, which exceed a slope rising more than one (1) foot in four (4) feet (4:1) within thirty (30) feet of a building shall not be considered in determining the mean finished grade of the building. Terraces, which project less than fifty (50) feet from the face of a building, shall not be considered in determining the mean finished grade of the building. This subsection shall not apply to any project for which site Plan Approval pursuant to Section V III.F has been granted by the Planning Board prior to adoption of this subsection, even if amendments to such site plan approval are subsequently granted.”

and to act on anything related thereto.

Submitted by the Planning Board