

February 14, 1997

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Thomas J. Groux

K.S. McDonald

Proposed Zoning Amendments

*nonconforming nature of pre-existing legal  
nonconforming one or two family dwellings.*

**Article Z** Delete Footnote 7 from Appendix II Schedule of  
Dimensional Requirements.

*This footnote sets forth a different set of front,  
rear and side yard setback requirements in the R60  
and R40 zoning districts for lots in existence  
prior to May of 1987. Since we already have the  
current setback requirements set forth in the  
Appendix and reduced setbacks which are allowed  
for lots in existence prior to January 1 of 1987  
in Section V.D.4., these alternative setbacks are  
surely superfluous.*

**Article AA**

On the map accompanying the Protective By-Law  
entitled "Town of Chatham - Zoning Map", change  
the zoning designation of property off Middle Road  
from the current R60 to R30; add "R30" to **Section  
III District Regulations, C. District Use  
Regulations 1. R60, R40, R20 - Residential  
Districts**; and add a new row in Appendix II for  
"R30".

*This amendment would re-zone land owned by Dubis  
and others off Middle Road to a newly created  
district of thirty thousand square foot (30,000  
sq. ft.) lots.*

(MA General Laws, chapter 40A, which took away the board's right to building Commissioner Kevin McDonald prohibit but that the Planning Board would accept Mr. Farber's

paragraph "In no instance shall dimensional requirements be waived; no vote is necessary.

(2)(a) No catwalk shall exceed 4 feet in width, railing," and substitute

no feet not wide enough for a catwalk in favor of the amendment.

The amendment passed.

(Amendment): voice: so voted

**Building Coverage)**

**SCHEDULE OF DIMENSIONAL REQUIREMENTS**  
in building coverage in the

1 vote to amend "Appendix A, which allows changing the maximum building coverage to 15% as set forth in Article

1 held on this article at the public hearing on April 29, 1997. The Planning

Article because no reason was given for the use of his or her land

other than aesthetics. The Finance Committee supports the 25% maximum building coverage now in place.

**DISCUSSION:** Building Commissioner Kevin McDonald told the Meeting the purpose of Articles 18 and 19, that they go together.

**VOTE:** voice vote not clear; hand count vote: Yes: 101; No: 26. Article 19 passed.

**Article 18 - Zoning Bylaw Amendment Section V B (Sentence Re Nonconforming)**

To see if the Town will vote to amend SECTION V B. NONCONFORMING LOTS, BUILDINGS, AND USES of the Protective By-Law by deleting the third sentence as follows:

**B. Enlargement, Extension or Change**

As provided in Chapter 40A Section 6 MGL, a nonconforming single or two family dwelling may be altered or extended provided that the Zoning Enforcement Officer determines that doing so does not increase the nonconforming nature of such dwelling. For dwellings with setback nonconformities, any addition within the required setback area (including any increase in building height) shall be deemed to increase the nonconforming nature of the dwelling. For dwellings located on lots which have less than 20,000 square feet of lot area, any expansion of the floor area of the dwelling by more than twenty-five (25%) percent of the existing floor area shall be deemed to increase the nonconforming nature of the dwelling. Such alterations, extensions or changes shall require a Special Permit from the Zoning Board of Appeals, or take any other action in relation thereto.

**MOTION:** Planning Board Chairman David Donnan moved that the Town vote to amend Section V(B) "nonconforming Lots, Buildings and Uses" of the Protective Zoning Bylaw by deleting the third sentence so that Section B(B) will read as set forth in Article 18 of the Warrant.

**PLANNING BOARD RECOMMENDATION:** A public hearing was held on this Article at the Town Hall on April 8, 1997 and continued to the Town Hall Annex on April 29, 1997. The Planning Board unanimously recommends the approval of this Article as printed in the Warrant.

**FINANCE COMMITTEE RECOMMENDATION:** Approval.

**DISCUSSION:** Building Commissioner Kevin McDonald explained the purpose of the Article. There was no further discussion.

**VOTE:** voice: so voted unanimously.

**Article 20 - Zoning Bylaw Amendment (Delete Footnote 7)**

To see if the Town will vote to amend **APPENDIX II SCHEDULE OF DIMENSIONAL REQUIREMENTS** of the Protective By-Law by deleting Footnote 7:

7 Except that for lots in existence prior to May 1987, a road setback of thirty (30) feet and an abutter's setback of twenty (20) feet shall be required,

**MOTION:** Planning Board Chairman David Donnan moved that the Town vote to amend "Appendix II Schedule of Dimensional Requirements" of the Protective Zoning Bylaw by deleting "Footnote 7" as set forth in Article 20 of the Warrant.

**PLANNING BOARD RECOMMENDATION:** a Public Hearing was held on this Article at the Town Hall on April 8, 1997 and continued to the Town Hall Annex on April 29, 1997. The Planning Board unanimously recommends the approval of the Article as printed in the Warrant.

**FINANCE COMMITTEE RECOMMENDATION:** Support of this Article.

**DISCUSSION:** Mr. Donnan explained the purpose of the Article.

**MOTION:** Voter Peter Farber moved to table this Article.

**DISCUSSION:** Mr. Farber told the Meeting this bylaw in place since May of 1987 to preserve setbacks of established neighborhoods. If this passes these buildings will become non-conforming. Building Commissioner McDonald told the Meeting "lots" are considered to be vacant lots, not lots with houses.

Former Selectman Norman Howes told the Meeting his remembrance of the intent of the 1987 Gown Meeting: that it was a directive to the building inspector to enforce the R20 building setback requirements on lots and lots that had houses on them, from then on, in areas where on that evening were zoned R20. If you take this (footnote) out you will then make all those areas that were half acre zoning that met the 20 foot setbacks non-conforming.

In response to Mr. Howes question to him, Town Counsel Gilmore said in his opinion this footnote only applied to vacant lots because once you've built a house your "lot protection" is meaningless because you've got an existing structure on the property. The protection afforded to vacant lots depends on whether they were ANR, a subdivision, when they were approved. Mr. Howes said he hoped the Meeting would table this until the word "buildings" can be added in the future.

**VOTE (to table):** voice: The Moderator declared the motion to table passed.

#### Article 21 - Zoning Bylaw Amendment (Zoning Map)

To see if the Town will vote to amend the map accompanying the Protective By-Law entitled "Town of Chatham - Zoning Map" by changing the zoning designation of property bounded southerly by Middle Road and land of the Town of Chatham; westerly by land of the Town of Chatham; northerly by land of the Chatham Conservation Foundation, by Goose Pond Road, by Sam Ryder Road, and by Old Queen Anne Road; and easterly by land of Luiken, Morton, Enrico, Ryder Pond East Road, Ryders Pond, Peterson/Rhodes, Storey, Town of Chatham, and Sam Ryders Road from R60 to R30

and by adding the following **REQUIREMENTS:**

**MOTION:** Planning Board C accompanying the Protective zoning designation of proper further, to amend "Appendix II 21 of the Warrant.

**PLANNING BOARD REC** Town Hall on April 8, 1997 at Board, by a vote of five in fa in the Warrant.

**FINANCE COMMITTEE**

**DISCUSSION:** Assistant F property is zoned R60 and is this area was designated part bedrooms per house, per acre size, that R30, which would

A voter suggested the mot *Schedule of Use Regulation in R-60, R-40 and R-20.* N it is within the scope of the A motion.

**VOTE:** voice: the Moderat

#### Article 22 -

To see if the Town v follows:

Section 1703 Definition of the following March 31, l means the time between Ja

Section 1707 Animal Lic March 31, inclusive" to "I

Section 1707 (c): change or outdoor cat; ..." to "...