

## POLICY MEMORANDUM

### PLANNING BOARD INTERPRETATION OF THE ZONING BYLAW

#### SECTION 6.0.2

June 28, 2016

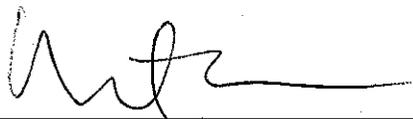
The Planning Board at its meeting on June 28, 2016 discussed site plan review process and procedure. The Board specifically discussed Section 6.0.2 which provides the following:

6.0.2 No site alteration or development work on a lot including, but not limited to: removal of vegetation, excavation, stockpiling of fill, or grading, shall occur prior to Planning Board approval of a site plan in accordance with **Section 17.7** of this By-law in preparation for, or anticipation of, construction, alteration, extension, reconstruction, or renovation of a structure above grade when (a) the proposed calculated gross floor area for the structures on the lot exceeds 4,000 square feet or 8% of the lot area, whichever is greater; or (b) the proposed calculated gross floor area of the structures on the lot equals or exceeds 6,500 square feet.

Historically this section has been interpreted as requiring Planning Board review for a property that has never been the subject of site plan review for any change to or addition of a structure above grade when the existing structures on the lot exceed the calculated gross floor area triggers set forth in Section 6.0.2. The Planning Board finds this interpretation overly broad. The Board instead interprets this section as setting forth the trigger for site plan review as "when the proposed calculated gross floor area for the structures on the lot exceeds the square footage thresholds of 6.0.2.

The Board notes that if the intent of this section was to capture every property that was built prior to the site plan review process by virtue of any change to the property then the language of 6.0.2 would state "when the existing or proposed calculated gross floor area..." Section 6.0.2 states only the word "proposed". The word "proposed" indicates that there needs to be some new calculated gross floor area contemplated.

Therefore, in cases of residences that do not have an existing site plan approval but have a calculated gross floor area for structures on the lot that exceed 4,000 square feet or 8% of the lot area, whichever is greater or the calculated gross floor area of the structures on the lot equals or exceeds 6,500 square feet, the Planning Board interprets this section 6.0.2 as requiring site plan review of projects only when the proposal includes additional calculated gross floor area. Any other changes including but not limited to the addition of a structure above grade must comply with all other zoning requirements but do not require Planning Board approval.



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Margaret Olson, Chair Planning Board