

REFERENTIAL & TECHNICAL AMENDMENTS FOR 9/10/08

The following table attempts to summarize the referential and technical amendments required by the changes to the Zoning Bylaw, the proposed changes to the Development Regulations and a number of housekeeping items this tip to tail review revealed.

1. The Development Regulations must incorporate the changes in citations and terminology from the old “Cluster Bylaw” to the new “Special Permit Residential Bylaw” adopted at the 2008 Annual Town Meeting. In general, this involves removing or replacing terms like:
 - Citations and cross-references, e.g., 135-38E becoming 135-45B (not all shown);
 - Cluster subdivisions (10 times) and special residential development (9 times) with special permit residential development;
 - Conventional subdivision (5 times) with special permit conventional development;
 - Usable open space (10 times); and
 - Schedule of Permitted Buildings becoming 135-42C (not noted in table below)

2. This section also assumes that the proposed amendments to the Site Analysis Map, Proof Plan and Sketch Plan, outlined in the previous section of amendments, are approved as presented. Any major changes to any of those proposals may require further modification to this table to ensure proper citations and technical consistency.

3. The housekeeping changes include items like correcting typos and updating outdated terms, like references to the “DOS” operating system and “viewgraph transparencies.” A few are not noted in the table below, including:
 - Assistant Planner to Senior Planner (4 times);
 - Deletion of references to the required thickness of mylar sheets; and
 - Deletion of references to “SR” and “DR” in a number of tables (see change to § 175-12D(7))

Citation/Page	Existing Language (redlined)	Proposed Final
§ 175-11A(3)(a)[5] p. 17511	*The proposed boundaries of any common open space or usable open space	*The proposed boundaries of any common open space
§ 175-11A(4)(e) p. 17512	The location and characteristics of any proposed common open space or usable open space	The location and characteristics of any proposed common open space

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§ 175-11B(1)(e) p. 17514	Area in common or usable open space	Area in common open space
§ 175-11E(3)(h) p. 17518	A table of development data [see Subsection B(1)], except that data on the following may be approximate unless an accurate determination is necessary to resolve a question of compliance with a requirement: the amount of common or usable open space, the floor area ratio, the number and density of dwelling units, site coverage of buildings, area covered with impervious surface, impervious surface ratio, gross or net floor area of buildings, and the number of off-street parking spaces and loading bays;	A table of development data [see Subsection B(1)], except that data on the following may be approximate unless an accurate determination is necessary to resolve a question of compliance with a requirement: the amount of common open space, the floor area ratio, the number and density of dwelling units, site coverage of buildings, area covered with impervious surface, impervious surface ratio, gross or net floor area of buildings, and the number of off-street parking spaces and loading bays;
§ 175-11E(3)(i)[5] p. 17519	A proof plan [see Subsection A(8)] if a cluster subdivision or special residential development <u>special permit residential development</u> is proposed.	A proof plan [see Subsection A(8)] if a special permit residential development is proposed.
§ 175-11F(3)(i)[6] p. 17520	A proof plan [see Subsection A(8)] if a cluster subdivision or special residential development <u>special permit residential development</u> is proposed.	A proof plan [see Subsection A(8)] if a special permit residential development is proposed.
§ 175-12D(7) p. 17527	Fee schedule. The initials "DR" mean the reference is found in the Development Regulations (Part 1 of this chapter). The initials "SR" mean the reference is found in the Subdivision Regulations (Part 2 of this chapter).	Fee schedule.
§ 175-12D(7) p. 17529	In the case of a cluster or special residential development <u>special permit residential development</u> , where the development tract is not subdivided into lots, the part of the fee based on the number of lots shall be based on the number of dwellings (buildings) instead.	In the case of a special permit residential development, where the development tract is not subdivided into lots, the part of the fee based on the number of lots shall be based on the number of dwellings (buildings) instead.

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§ 175-17B(8) p. 17537	Locate and design open space on the site, particularly such common open space and usable open space as may be required by the Zoning Bylaw or the Development Regulations, so as to increase the visual amenities for the surrounding area as well as for the occupants of the subdivision	Locate and design open space on the site, particularly such common open space as may be required by the Zoning Bylaw or the Development Regulations, so as to increase the visual amenities for the surrounding area as well as for the occupants of the subdivision
§ 175-56B(2)(c) p. 17598	A certificate of completion [see § 175- 35G <u>55G</u> (2)] by the registered land surveyor or registered professional engineer that all required bounds, monuments or markers delineating the right-of-way of any way, or of any easement, or any lot, as shown on the approved definitive subdivision plan, have been correctly located and permanently set;	A certificate of completion [see § 175-55G(2)] by the registered land surveyor or registered professional engineer that all required bounds, monuments or markers delineating the right-of-way of any way, or of any easement, or any lot, as shown on the approved definitive subdivision plan, have been correctly located and permanently set;
§ 175-56B(2)(d) p. 17598	A certificate of completion [see § 175- 35G <u>55G</u> (3)] by the landscape architect that the planting of all trees and other plant materials complies with the approved definitive subdivision plan, any written changes made after the approval of the plan and the Standard Specifications;	A certificate of completion [see § 175-55G(3)] by the landscape architect that the planting of all trees and other plant materials complies with the approved definitive subdivision plan, any written changes made after the approval of the plan and the Standard Specifications;

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<p>§ 175-60B p. 17603</p>	<p>Section 135-50B-48A of the Lexington Zoning Bylaw provides that the Planning Board shall act as the special permit granting authority (SPGA) for all planned residential developments<u>Special Permit Residential Developments</u>.-except for a development in the RD Planned Residential Development Zoning District and for the conversion of a municipal building. A planned residential development is three or more dwelling units, or their equivalent in housing accommodations not classified as dwelling units. The Zoning Board of Appeals shall act as the SPGA for developments in the RD Planned Residential Development Zoning District and the Board of Selectmen shall be the SPGA for the conversion of a municipal building. Sections 135-48F 46B and 135-47A of the Zoning Bylaw provides that the Planning Board, acting as the SPGA for a planned special permit residential development, may grant a special permit to allow certain types of buildings designated in Row 2 of the Schedule of Permitted Buildings, Density and Dimensional Standards and to modify other standards specified in the Zoning Bylaw.</p>	<p>Section 135-48A of the Lexington Zoning Bylaw provides that the Planning Board shall act as the special permit granting authority (SPGA) for all Special Permit Residential Developments. The Zoning Board of Appeals shall act as the SPGA for developments in the RD Planned Residential Development Zoning District and the Board of Selectmen shall be the SPGA for the conversion of a municipal building. Sections 135-46B and 135-47A of the Zoning Bylaw provide that the Planning Board, acting as the SPGA for special permit residential development, may grant a special permit to allow certain types of buildings and to modify other standards specified in the Zoning Bylaw.</p>

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<p>§ 175-60C p. 17604</p>	<p>Provisions of Zoning Bylaw shall be specified. A person applying for a special permit with site plan review under Zoning Bylaw § 135-50B-48A or a special permit under Row 2 of the Schedule of Permitted Buildings, Density and Dimensional Standards of the Zoning Bylaw or § 135-48F of the Zoning Bylaw shall cite the specific section of the Zoning Bylaw and the action which the Planning Board is requested to take and shall include information on the conditions, standards and criteria sufficient for it to make the finding and determination required by Zoning Bylaw § 135-11B or § 135-5048C. In the event a person seeks a special permit under more than one provision of the Zoning Bylaw as part of one building or site development proposal, he/she shall file an application that clearly identifies each provision of the Zoning Bylaw for which such special permit is sought.</p>	<p>Provisions of Zoning Bylaw shall be specified. A person applying for a special permit with site plan review under Zoning Bylaw § 135-48A shall cite the specific section of the Zoning Bylaw and the action which the Planning Board is requested to take and shall include information on the conditions, standards and criteria sufficient for it to make the finding and determination required by Zoning Bylaw § 135-11B or § 135-48C. In the event a person seeks a special permit under more than one provision of the Zoning Bylaw as part of one building or site development proposal, he/she shall file an application that clearly identifies each provision of the Zoning Bylaw for which such special permit is sought.</p>
<p>§ 175-62C - E p. 17605</p>	<p>C. Sketch Plan. D. Preliminary site development plan. ... E. Definitive site development plan. ...</p>	<p>DELETE ENTIRELY. The revisions to site analysis maps, proof plans and sketch plan have already addressed these concerns and need not be repeated here.</p>
<p>§ 175-63A p. 17607</p>	<p>Same procedures as Zoning Bylaw and Part 1, Article II of this chapter. The procedures for the review of, and decisions on, applications for approval of a site development plan are set forth in §§ 135-13 and 135-5048 of the Zoning Bylaw and in Part 1, Article II of this chapter and are incorporated by reference here. See the following sections of Part 1, Article II of this chapter:</p>	<p>Same procedures as Zoning Bylaw and Part 1, Article II of this chapter. The procedures for the review of, and decisions on, applications for approval of a site development plan are set forth in §§ 135-13 and 135-48 of the Zoning Bylaw and in Part 1, Article II of this chapter and are incorporated by reference here. See the following sections of Part 1, Article II of this chapter:</p>

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<p>§ 175-64 p. 17607</p>	<p>175-64 Maximum number of dwelling units. A. Calculation of maximum density. B. Approval of special permit is discretionary. C. Proof plan.</p>	<p>DELETE ENTIRELY: This subsection to be deleted and the following sections renumbered accordingly. Because it does not fit under the revised bylaw, Part A may be deleted. It could be reworked and remain in part, but this information is included by applicants under a requirement of 175-11. Part B is superfluous; all special permits are discretionary and need not be repeated in the regulations. Part C, proof plan, is addressed in the second part of the Board's proposed changes.</p>
<p>Article XII p. 17621</p>	<p>Frontage Reduction (Reserved)</p>	<p>Reserved</p>
<p>§ 175-71B(5)(a) p. 17627</p>	<p>Required: In the case of land in an existing one-family (RO, RS) or two-family (RT) residence district that is proposed to be rezoned to an RD or CD District, a proof plan [see § 175-11A(8) of Part 1, Article II of this chapter]. The proof plan shall show wetlands, slopes, grades, other significant natural features and existing buildings. In the case of land in an existing multifamily or commercial district that is proposed to be rezoned to an RD or CD District, an analysis showing:</p>	<p>Required: In the case of land in an existing one-family (RO, RS) or two-family (RT) residence district that is proposed to be rezoned to an RD or CD District, a proof plan [see § 175-11A(8) of Part 1, Article II of this chapter]. In the case of land in an existing multifamily or commercial district that is proposed to be rezoned to an RD or CD District, an analysis showing:</p>

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<p>§ 175-71C(2)(c) p. 17628</p>	<p>Required: a property rights and dimensional standards plan [see Part 1, Article II of this chapter, § 175-11A(3)] showing, if applicable, only: the approximate division of the property into parcels, the approximate location of open space other than usable open space, and the approximate location of sections of land to be granted to the Town; not required: this exhibit of the sketch plan does not need to be prepared by a land surveyor or civil engineer; the information listed in § 175-11A(3)(a)[1] through [11] is not required except in a general manner;</p>	<p>Required: a property rights and dimensional standards plan [see Part 1, Article II of this chapter, § 175-11A(3)] showing, if applicable, only: the approximate division of the property into parcels, the approximate location of open space, and the approximate location of sections of land to be granted to the Town; not required: this exhibit of the sketch plan does not need to be prepared by a land surveyor or civil engineer; the information listed in § 175-11A(3)(a)[1] through [11] is not required except in a general manner;</p>
<p>§ 175-71C(2)(d) p. 17628</p>	<p>Required: a site construction plan [see Part 1, Article II of this chapter, § 175-11A(4)] showing only the approximate location of buildings and interior drives, the approximate grading of significant parts of the site, the approximate location of the usable open space required by Row 7 of the Schedule of Permitted Buildings, Density and Dimensional Standards and § 135-46E of the Zoning Bylaw, for an RD District, and, if applicable, any common open space; not required: the dimensions of streets, drives, parking areas and the proposed drainage system;</p>	<p>Required: a site construction plan [see Part 1, Article II of this chapter, § 175-11A(4)] showing only the approximate location of buildings and interior drives, the approximate grading of significant parts of the site, and, if applicable, any common open space; not required: the dimensions of streets, drives, parking areas and the proposed drainage system;</p>

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<p>§ 175-71C(2)(e) p. 17629</p>	<p>Required: a proof plan [see Part 1, Article II of this chapter, § 135-11A(8)] but only in the case of land in an existing single-family or two-family residence district that is proposed to be rezoned to an RD or CD District, so that development permitted in the existing zoning district can be compared to the proposed rezoning. The proof plan shall show wetlands, slopes, grades, other significant natural features and existing buildings; not required: in the case of land in an existing multifamily or commercial district that is proposed to be rezoned to an RD or CD District;</p>	<p>Required: a proof plan [see Part 1, Article II of this chapter, § 135-11A(8)] but only in the case of land in an existing single-family or two-family residence district that is proposed to be rezoned to an RD or CD District, so that development permitted in the existing zoning district can be compared to the proposed rezoning; not required: in the case of land in an existing multifamily or commercial district that is proposed to be rezoned to an RD or CD District;</p>
<p>§ 175-71C(2)(f) p. 17629</p>	<p>Required: a table of development data [see § 175-11B(1) of Part 1, Article II of this chapter] showing only the approximate: total land area, area in vegetated wetland, developable site area, area and percentage of site coverage of buildings, and, if applicable, the approximate amount of common or usable open space, area covered with impervious surface, impervious surface ratio, gross and net floor area of buildings, floor area ratio, number and density of dwelling units, number of off-street parking spaces and loading bays; not required: length of street, if applicable, and area within street right-of-way;</p>	<p>Required: a table of development data [see § 175-11B(1) of Part 1, Article II of this chapter] showing only the approximate: total land area, area in vegetated wetland, developable site area, area and percentage of site coverage of buildings, and, if applicable, the approximate amount of common open space, area covered with impervious surface, impervious surface ratio, gross and net floor area of buildings, floor area ratio, number and density of dwelling units, number of off-street parking spaces and loading bays; not required: length of street, if applicable, and area within street right-of-way;</p>
<p>175-73C(4)(g)[2] p. 17638</p>	<p>For an RD Planned Residential Development District, the objectives of planned residential development (see Zoning Bylaw §§ 135-2C and 135-4442);</p>	<p>For an RD Planned Residential Development District, the objectives of planned residential development (see Zoning Bylaw §§ 135-2C and 135-42);</p>