



Article: 47

Warrant Article Title:

ZONING BYLAW AMENDMENT / DEFINITION OF BUILDING HEIGHT

Warrant Article Text:

To see if the Town will vote to amend Section 2, Definitions, and Section 5.3.20, Maximum Height Exceptions, of the Zoning Bylaw, for buildings in the Floodplain Overlay District; or take any action related thereto.

Requested By:

the Redevelopment Board

Report Excerpt:

The Board recommends Favorable Action (5-0).

This article was recommended by the Chair of the Zoning Board of Appeals. Article 47 would improve the resiliency of parcels in the Floodplain Overlay District by making it possible for people who own homes in the floodplain to elevate their buildings and for new developments to design for appropriate flood management standards. The article proposes to modify the definition of Building Height and correct references to bylaw sections. The modified definition would allow Building Height to be measured from the average grade of the site or the base flood elevation, whichever is higher.

Currently, the Zoning Bylaw measures Building Height from the average grade of the curb line abutting the property. Buildings in FEMA flood zones must have their lowest level of habitation above the base flood elevation, meaning that basements are not

habitable. Recently, an applicant went before the Zoning Board of Appeals (ZBA) because their property was in a floodplain and was required to make substantial changes to the roof grade in order to comply with the 35-foot maximum height. The ZBA felt it would be more appropriate to remove any building levels below the floodplain elevation from the calculation of Building Height, which is what Article 47 proposes. The modification would allow property owners in the flood zones who are contemplating new construction or renovations greater flexibility over the height of proposed buildings or additions, including resiliency measures, such as elevating a building above the base flood elevation.

SECTION 5.3.20, Maximum Height Exceptions, will not be amended.

Vote Language:

That the Zoning Bylaw be and hereby is amended as follows:

Amend SECTION 2, Definitions, as follows:

Building Height: The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. In the Floodplain District, building height is the vertical distance of the highest point of the roof measured from the higher of (a) the average grade of the curb line abutting the property, or (b) the base flood elevation established by FEMA. Refer to Sections 5.3.19, ~~5.3.19.A~~, 5.3.20, and 5.4.2.B(5) for detailed exceptions.

[Redevelopment Board Report](#)