

Docket 3602 - Building Height

The proposed building is clearly subject to **5.3.19. Reduced Height Buffer Area**. More than a dozen homes in the adjacent R2 district are within the specified distance of this article.

The applicant's design assumes that only the reduced height limits for a B4 district apply to his project (4 stories, 50 feet). However, one third of the building is in a B2 district, where the reduced height limits are 3 stories, 40 feet. This point was made in the first hearing of the project in July 2019 but has simply been ignored since then.

Perhaps this is a misunderstanding due to typographical errors in the Tables of Dimensional and Density Regulations of the 2018 Recodified version of the Bylaw. As with similar typographical errors of this nature that have been uncovered, the Board has referred to the pre-recodified version for clarification. Below is that section of the Bylaw which makes clear the different height limits for buildings beyond the Reduced Height Buffer zone and within the Reduced Height Buffer Zone.

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

				Intensity of Development								Open Space	
ART. 8, STM 3/85; ART. 11,ATM 4/98		Lot Requirements, <u>Minimum^M</u>		Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	<u>Minimum Yard, Ft.^P</u>			<u>Height Maximum</u>		<u>Minimum</u> Percent of Gross <u>Floor Area</u>	
Dis- trict	Use	Size, Sq. Ft.	Frontage, Ft.				Front ^E	Side ^E	Rear ^E	Stories	Feet ^G	Landscaped	Usable
B2 (cont.)													
ART. 6, ATM 4/16													
	Mixed Use	-	50	1.50	NA	1,450	-	-	10+(L/10)	4 ^T 3	50 40	10%	- ^H
		>20,000	50	1.00	NA	1,450	0	0	10+(L/10)	4 ^T 3	50 40	10%	- ^H
	Any other permitted use	-	50	1.00	NA	1,450	0	0	10+(L/10)	3	35	10%	- ^H

The Reduced Height Buffer Zone limitations are a great inconvenience to developers who wish to erect tall buildings adjacent to residential districts. But the clear purpose of the Bylaw is to protect these residents. These neighbors bought their homes with the expectation that the zoning bylaw would be enforced to protect them from such oversized structures looming over their backyards. If they bought before 2016, they were protected against any new next door development in the B2 zone being more than 35 feet high. The 2016 Town Meeting approval of Mixed Use diluted that protection but came with the promise that such development could be no more than 3 stories or 40 feet.

For the Board to allow 4 stories and 45 feet, perched an additional 7 feet above the level of the adjacent homes, is an unjustifiable betrayal of those resident's rights. It is the visual equivalent of a Double-sized Trump border wall adjoining their backyards.

