

ARTICLE 38

AMEND ZONING BYLAW MINOR MODIFICATIONS TO APPROVED PERMITS

To see if the Town will vote to amend Sections 9.2 and 9.4 of the Zoning Bylaw to create a process for minor modifications to projects that have received prior Board of Appeals or Planning Board approval; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION:

This amendment would establish a process that would allow the Board of Appeals or Planning Board to consider requests for minor modifications to projects that have received prior approval at a public meeting without requiring a new public hearing.

PROPOSED MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

- 1) Add a new §135-9.2.2.5 as follows:
 5. Any modification to an approved special permit, appeal, variance, or comprehensive permit requires prior approval from the Board of Appeals. Certain requests may be considered as a minor modification, authorized by a majority vote of the Board of Appeals at a properly noticed public meeting. Minor modifications shall be limited to changes that are not substantial, do not have a material impact on the project, and do not grant any zoning relief not originally requested or approved during the public hearing. Minor modifications shall be consistent with the purposes and intent of the applicable sections of the Zoning Bylaw. If the Board of Appeals in its review determines such modification to constitute a major modification, it shall require the submission of an application for amendment requiring a new public hearing pursuant to M.G.L. c.40A.

- 2) Add new §135-9.4.7 as follows:

9.4.7 Modifications.

Any modification to an approved special permit requires prior approval from the SPGA. Certain requests may be considered as a minor modification, authorized by a majority vote of the SPGA at a properly noticed public meeting. Minor modifications shall be limited to changes that are not substantial, do not have a material impact on the project, and do not grant any zoning relief not originally requested or approved during the public hearing. Minor modifications shall be consistent with the purposes and intent of the applicable sections of the Zoning Bylaw. If the SPGA in its review determines such modification to constitute a major modification, it shall require the submission of an application for modification requiring a new public hearing pursuant to M.G.L. c.40A.