

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. To consider and approve Any minor modifications 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 permitted by the special permit, appeal variance or comprehensive permit, 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. Minor modifications may be authorized by a majority vote of the Board of Appeals. If the Board of Appeals in its review determines ~~such that a requested~~ modification ~~to~~ constitutes 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 pursuant to 9.2.2.5.~~ Minor modifications shall be limited to changes that do not have a material impact on the project permitted by the special permit, appeal variance or comprehensive permit, and do not grant any zoning relief not originally requested or approved. ~~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 that a requested~~ modification ~~to~~ constitutes a major modification, it shall require the submission of an application for ~~modification~~ amendment requiring a new public hearing pursuant to M.G.L. c.40A.