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TOWN OF WILMINGTON, MASSACHUSETTS

TOWN OF WILMINGTON, MA

PLANNING & CONSERVATION
DEPARTMENT

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**PLANNING BOARD
November 18, 2014
Auditorium
7:00 p.m.**

**SPECIAL REMINDERS: Special Town Meeting - December 4, 2014 - Wilmington
Middle School Auditorium - 7:00 p.m.**

1. **Appointments**

7:00 p.m. Joint Public Hearing with Finance Committee to discuss the following
Article:

Article 4: To see if the Town of Wilmington will vote to amend the following sections of
Section 6.4 of the Zoning By-Laws of the Town of Wilmington as follows:

SECTION 6.4.1

By deleting the current Section 6.4.1 in its entirety, and further by replacing the same with the
following paragraph:

6.4 Parking and Site Design Standards

6.4.1. Required Spaces – Permanent, on-site and off-street parking shall be provided for all
residential uses.

For all other uses, permanent off-street parking and adequate loading areas shall be
provided on-site, or off-site, with a special permit from the Planning Board if granted
pursuant to Section 6.4.3 hereunder for all principal and accessory uses in compliance
with the following minimum provisions. Where a use is not specifically included in the
schedule below, it is intended that the regulations for the most nearly comparable use
specified shall apply. The use of any land or structure shall not be begun or changed
from a use described in one subsection of the schedule of uses below to a use in
another subsection of the schedule of uses unless the number of off-street parking
spaces required for the use are provided or relief from the parking regulations is
authorized as hereinafter provided.

SECTION 6.4.3

By deleting the current Section 6.4.3 in its entirety, and further by replacing the same with the following paragraph:

6.4.3 Relief from Parking Regulations by Special Permit from the Board of Appeals/Planning Board

6.4.3.1 For all residential uses under Section 6.4.1.1.a, relief from the parking regulations may be granted by the Board of Appeals under this section, provided that the Board of Appeals finds that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this By-Law.

6.4.3.2 For all other uses under Section 6.4.1.1, relief from the parking regulations may be authorized by a special permit from the Planning Board under this section, provided that the Planning Board finds (1) that in the case of a change in use of an existing facility the use to which the premises subject to such regulations are to be put is not different in kind in its effect on the neighborhood from an existing use so that a literal application of such parking regulations would be unreasonable or (2) in all other cases including new construction that the desired relief may be granted without substantial detriment to the neighborhood from the intent and purpose of this By-Law. In either case the petitioner shall submit a site plan of the off street parking facilities and the Planning Board shall make its determination based upon all matters arising under this By-Law.

In considering special permit requests for relief from parking regulations under this Section 6.4.3.2, the Planning Board shall have the authority to consider off-site parking for any particular application before the Board, provided, however, that said off-site parking meets the following minimum criteria:

- a. All off-site parking as proposed by any application shall be on a parcel directly abutting the parcel or use seeking relief under the provisions of this Section. The word "abutting" pursuant to this paragraph shall include only parcels abutting the property for which relief is sought.
- b. The party seeking relief from the Planning Board under this Section 6.4.3.2 has provided to the Planning Board sufficient information to evidence a written and recordable document showing that the applicant has a permanent parking easement on the abutting, off-site parcel allowing for sufficient parking for the applicant's proposed use. The determination under this paragraph as to the sufficiency of any written easement documents provided to the Board shall be in the sole discretion of the Planning Board.

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- c. Any special permits granted by the Planning Board under this section related to relief relative to off-site parking for non-residential uses shall be for the uses as enumerated in the special permit application only, and shall not be valid for any subsequent change of use. The Planning Board shall include language to this effect in issuing any special permit under this section for relief from parking regulations based on available off-site parking. Any change in use after the issuance of a special permit under this section, which special permit would have been granted based on available off-site parking, shall require a new application to the Planning Board for relief from this section.

Or take any other action related thereto.

Planning Board

Immediately following the public hearing the Planning Board to reconvene in Room 9:

2. **Correspondence:**
Planning Director's Report:
3. **Discuss and Vote** – Warrant Articles for 2014 Special Town Meeting as identified above.
4. **Form A**
5. **Matters of Appointment**
6. **Board of Appeals**
7. **Old business**
8. **New business**

Adjourn

NEXT MEETING: December 2, 2014

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