

SECTION 6: DIMENSIONAL REGULATIONS

Existing Bylaw Section: Section 4 –Dimensional Regulations

Approach: This section was drafted to accomplish four primary objectives:

- 1) Establish a more uniform frontyard setback within the Central Business District as well as encourage new structures to be consistent with the established frontyard setback along the street or block.*
- 2) Add a minimum usable open space provision to the Table of Dimensional Regulations in order to maintain a minimum level of usable open space within a lot or neighborhood.*
- 3) Expand the use of projections (i.e. porches, porticos and stoops) along the frontyard setback in order to encourage pedestrian interest and usage along the street or block.*
- 4) Permit accessory structures as-of-right within the side or rearyard setback areas in order to provide parking and storage opportunities as well as maximize the use of remaining open space on the lot.*

Commentary for specific provisions is provided throughout this section along with more specific references to those sections of the existing bylaw that are directly related to these revisions.

6-A. BASIC REQUIREMENTS

1. General

No building, structure or use in any district shall be built, located, enlarged, or permitted which does not conform to the dimensional regulations as set forth in Section 6-B and 6-C of this Bylaw.

2. As-Built Plot Plan

Upon completion of foundation(s) the holder of the building permit shall file, with the Building Inspector, an updated plot plan signed by a Registered Land Surveyor showing that the foundation(s) has/have been located as required pursuant to the applicable building permit. Section 6-A is not intended to include an addition to a privately owned single-family residence, provided said addition conforms to all other existing building codes, and zoning Bylaws. The holder of said permit may proceed at his own risk.

COMMENT: This paragraph has been modified from the text within Section 4-A.(2) of the existing bylaw to be consistent with the requirements of the Massachusetts Board of Registration of Professional Engineers and Professional Land Surveyors.

6-B. SCHEDULE OF DIMENSIONAL REGULATIONS

1. General Provisions

In all districts, no building shall be constructed on any part of a lot, created after the adoption of this provision of the Zoning By-Law, which does not have an area in which a circle, the diameter of which is not less than 80% of the minimum required lot frontage, tangent to the exterior street line from which the required frontage and minimum setback are derived and within all other lot lines, may be located. Furthermore, in all districts, no building shall be constructed:

- A. On a lot having less than the "Required Lot Area" or having less frontage on at least one street than the "Required Lot Frontage".
- B. So as to cover, together with any other buildings on the lot, a larger portion of the lot area than the "Maximum Lot Coverage".
- C. So as to be nearer to the line of a street than the "Required Setback Distance" or nearer to the side lines of its lot than the "Required Sideyard Width" or nearer to the rear line of its lot than the "Required Rearyard Depth", as specified in the chart in Section 6-B for the district in which the lot is located.

Table 6-B.1. Table of Dimensional Regulations

District	Maximum Lot Coverage						Required Setbacks			Height
	Required Lot Area (square feet)	Required Lot Frontage (feet)	By Structures	By Structures & Other Impervious Surfaces	Minimum Usable Open Space (square feet)	Minimum Frontyard Setback (feet)	Maximum Frontyard Setback (feet)	Minimum Sideyard Setback (feet)	Minimum Rearyard Setback (feet)	Maximum Building Height (feet) ¹⁵
Park, School, Recreation and Conservation	40,000	200	25%	40%	NA	30	na	25 ²	30 ³	35 ^{12,14}
Rural	40,000	200	25%	40%	50%	30	na	25 ²	30 ³	35 ^{12,14}
Residence A	30,000	150	25%	40%	50%	30	na	20 ²	30 ³	35
Residence B	20,000	125	25%	40%	50%	30	na	15 ⁴	30 ³	35 ¹⁴
General Residence	15,000	100	30%	50%	40%	30	na	10 ⁴	30 ³	35 ^{12,13,14}
Business	15,000	100	40%	70%	NA	15 ⁹	25	6 ⁵	20 ⁶	40 ^{12,14} (but not more than 3 stories)
Highway Business	40,000	200	50%	90%	NA	50 ⁹	na	40 ⁷	25 ⁷	45 (but not more than 4 stories)
Central Business District	5,000	50	90%	100%	NA	0	25 ¹	0 ⁵	10 ⁶	52 ¹⁴
Limited Manufacturing	40,000 ¹¹	200 ¹¹	35%	70%	NA	50 ⁹	na	40 ⁷	25 ^{7,8}	40 ¹⁰
Industrial	40,000 ¹¹	200 ¹¹	50%	70%	NA	25 ⁹	na	10 ⁷	10 ^{7,8}	40 ¹⁰

COMMENT: The revised Table of Dimensional Regulations includes provisions for maintaining the street edge with reductions in the frontyard setback within the Business, Central Business Districts, Limited Manufacturing and Industrial Districts. In the Business and Central Business District a revised frontyard setbacks is included in order to ensure that new buildings are located along the public way with parking located toward the side and rear of the structure. A minimum usable open space area is included for all residential districts and at least 10% of the lot area shall be maintained as usable open space used for recreation, gardens or other household use activities.

EXPLANATORY NOTES TO SCHEDULE OF DIMENSIONAL REGULATIONS

1. Any setbacks established beyond zero (0) shall be to enhance the pedestrian-oriented quality of the space within that setback pursuant to the Central Business District Design Guidelines in Section 13.11.
2. See applicable provisions in Section 6.C.
3. Except that a detached accessory building may be constructed within ten (10) feet of the rear line of its lot.
4. Except that a detached accessory building having a setback of at least one-hundred (100) feet may be constructed within six (6) feet of the side lines of its lot.
5. A wall adjoining a side lot line shall be designed as a firewall and used either as a party wall or with its outer faces coincident with said line. A recorded easement should be provided to the Building Inspector prior to occupancy of the building.
6. For a dwelling, except that a dwelling in which all rooms open onto a street or onto a yard or exterior court at least twenty (20) feet in depth may be constructed within six (6) feet of the rear line of its lot and six (6) feet from all other abutting buildings.
7. Where it abuts a railroad right-of-way, none.
8. Where the rearyard abuts a residential district, fifty (50) feet.
9. Other than for uses permitted under Subsection 6.C, the frontyard setback is to be used for no purpose other than walks, drives, landscaping, flag poles, lights, signs, canopies for gasoline service stations and fences as permitted or required elsewhere in this Bylaw. Unless elsewhere provided, a minimum of six (6) feet of the setback adjacent to the street right-of-way line shall be landscaped and planted with trees and shrubs and in the Limited Manufacturing and Industrial District, a minimum of ten (10) feet of the setback shall be similarly landscaped, providing in both instances no planting shall be located as to restrict the visibility of vehicles leaving the districts by the exit driveways.
10. Plus one (1) foot for each additional foot by which:
 - (a) the setback exceeds the required setback distance;
 - (b) the narrowest sideyard exceeds the required sideyard width; or
 - (c) the rearyard exceeds the required rearyard depth, whichever of the three (3) additional distances is the smallest.
11. Does not apply to one-story building of accessory use.
12. Except that a hospital and comprehensive health care system may be determined

- by "10" (above).
13. Except that a residential care continuum may be determined by "10" (above).
 14. Except that a dormitory may be determined by "10" (above).
 15. When at least thirty (30) parking spaces are provided at or below grade, but under a building and screened from view, in the Highway Business or Industrial Districts, the building height may be increased by twelve (12) feet.

COMMENT: Footnote 1 reflects a change to the existing regulation by requiring all new buildings within the Central Business District to be located along the street edge with setbacks only permitted in providing pedestrian facilities such as decks, patios, or other sitting areas. Footnote 5 adds a requirement to provide the Building Inspector with a recordable easement prior to constructing a common wall between two structures.

6-C. SPECIAL CONDITIONS

1. Height Determination and Exceptions

The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, flagstaffs, railings, vanes, soil pipes, antennas and other accessory non-habitable features usually erected above the roof line; nor to domes, towers, spires, or other ornamental features of non-residential buildings.

COMMENT: A reference is added to ensure all habitable spaces are included in the height limitation.

2. Additional Height Limitations near Side Lines in Residential Districts

In addition to the maximum height limitation hereof, no portion of any building located within twenty-five (25) feet of any point on the side line of an adjacent lot shall have a height above the grade of said point greater than its horizontal distance there from if in a Rural or Residence A district, or greater than its horizontal distance there from plus five (5) feet if in a Residence B District, or greater than its horizontal distance there from plus ten (10) feet if in a General Residence District; provided, however, that this limitation shall not apply if the building in question is more than two hundred (200) feet from the nearest Exterior line. These height limitations shall not apply to buildings in the Central Business District.

COMMENT: An explicit exemption to these height restrictions is included for the Central Business District.

3. Determination of Lot Frontage and Lot Area

A. Lot Frontage and Lot Area

For the purposes of Section 6-C, lot frontage shall be measured along the exterior street line from one side of the lot to the other, and also between said side lines along a line which marks the required building setback on such lot, and the longer of said distances shall be considered as the frontage of such lot. However, the shorter of such measurements shall not be less than eighty percent (80%) of the required frontage. Frontage for a corner lot shall be measured along the exterior street line from one side of the lot to the point of intersection of the tangents on the radius. In determining lot area, no portion thereof within the exterior line of any street shall be included.

B. Contiguous Buildable Lot Area

The contiguous buildable area of a lot shall be interpreted as the horizontal area of any lot, created after the adoption of Section 6-C, exclusive of any

area in a street or recorded way open or way proposed to be open to public use. For any lot created after the adoption of Section 6-C, at least sixty percent (60%) of the minimum lot area required for zoning compliance shall be contiguous land other than that located within an area identified as a "Resource Area" as defined by Massachusetts General Law, Chapter 131, Section 40, and/or the Town of Walpole Wetlands Bylaw. The area shall be identified on the plan with a line entitled "Wetland Resource Area", determined and delineated by the applicant's engineer and/or botanist and approved by the Conservation Commission and/or Conservation Agent, using standards as outlined in the above-referenced statutes. The proposed structure must be constructed on said designated contiguous land area. Section 6-C shall be considered distinct and separate from any requirements for contiguous land as defined in Section 10-C.

4. Number of Buildings per Lot

- A. Residential – Except where elsewhere specifically provided elsewhere, in all residential zoning districts not more than one (1) principal building constructed as a dwelling or so used shall be located on each lot. However, in General Residence Districts, the Board of Appeals may by Special Permit allow more than one (1) principal building on a lot where the applicant has also shown that the design and placement of the buildings will be in harmony with the general character of the neighborhood streetscape, driveways, building placement, setbacks, volume and spacing. Applications for this Special Permit shall provide the information specified in Section 2 of the Zoning Bylaw and shall not require Full Site Plan Review at the time of the Special Permit application.
- B. Commercial/ Mixed-Use– Provided they are in compliance with all dimensional regulations listed in Section 6-C, more than one (1) building may be constructed and located on each lot in all commercial zones.

COMMENT: Additional Special Permit criteria or “findings” are included under Section 9. In order to limit infill development, the number of residential buildings per lot has been reduced to two (2) and additional text is added to determine whether the proposed project design is consistent with general character of the neighborhood.

5. Other Exceptions

Notwithstanding the foregoing provisions, a dwelling for not more than one (1) family (where otherwise lawful), or any other permitted building may be constructed on a lot having less than the required area and frontage, if all other requirements of this Bylaw are complied with, and prior to the effective date of the requirements in question, said lot was laid out and recorded in conformity with the area and frontage requirements, if any, applicable to the construction of such dwelling or other building on said lot at the time of said recording, and provided further that said lot did not, on said effective date, adjoin

other land of the same owner available for use in connection therewith, and has less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

6. Sideyard Exception at Corner Lots

In the case of a lot which abuts the point of intersection of two (2) streets, and where the included angle is less than forty-five (45) degrees, such intersecting lines shall then be considered as "side lines" of the lot, from which the "required sideyard width" shall be measured.

7. Frontyard Setback Exceptions

- A. In all districts, except where subject to the provisions thereof on "Corner Clearance", a building may be constructed as near to the line of any street as the average of the setbacks of the dwellings or other main buildings nearest thereto on either side. Where, in determining the average setback, the nearest main building on either side is more than three-hundred (300) feet from the building in question, such side building shall not be counted, but instead the intervening space shall be considered as though occupied by a main building having the required setback (whether or not said space is laid out as a separate lot).
- B. On a corner lot, only one street line shall be used for the purposes of measuring minimum lot frontage and setback requirements. If, on a corner lot, minimum frontage requirements may be met along both street lines, the required setback shall be measured from the line of the street identified as the official address of the lot.

8. Setback and Sideyard for Other Uses

In all districts, no open storage or display of goods, products, materials or equipment; no gasoline pump, ATM, vending machine or other commercial device, or any structure of any type except as hereinafter provided, be located nearer the line of any street or nearer the side or rear lines of its lot than the minimum setbacks required for a building on the same portion of the same lot. However, such setbacks may contain:

- A. A lawful sign not over one (1) square foot in area.
- B. A mailbox, flagpole or utility pole.
- C. A retaining wall.
- D. Consistent with the other special conditions, a fence or an above-ground wall, provided that no such wall and no solid fence shall have a height of more than three (3) feet at any point between the street and the required minimum setback line or more than six (6) feet at any other point. For the purpose of this provision, a "solid fence" is defined as one which presents more than a twenty-five percent (25%) obstruction to visibility from any point on the street, sidewalk or abutting lot.
- E. A canopy for a gasoline service station upon Special Permit of the Board of Appeals in accordance with criteria described in Section 2.2.B of the Bylaws.
- F. Within the side and rear-yard setbacks only, one (1) detached accessory building or structure shall be setback at least six (6) feet from any side or

rear lot line or ten (10) feet from any principal building or structure on an abutting property provided the accessory building does not exceed twenty-two (22) feet by twenty-four (24) feet in dimension and is less than fifteen (15) feet in height. Accessory buildings or structures that exceed these dimensions shall conform to the dimensional requirements in the zoning district where located.

COMMENT: Additional provisions are included to permit a single detached accessory structure to be used for parking and/ storage. This section seeks to maintain useable open space and minimize the size of the existing principal structure on the lot.

- G. In-ground pools may be located in the side and rearyard setbacks provided the edge of the pool is located at least six (6) feet from the lot line.
- H. Above-ground pools may be located in the side and rearyard setbacks provided the edge of the elevated deck is located at least six (6) feet from the lot line.

COMMENT: This provision allows in-ground or above-ground pools to be located within the side or rearyard of the lot in order to maximize usable open space on the lot.

9. Sideyard Exceptions

On an existing lot specifically exempted from the frontage requirements hereof (by Section 6-C.5) the required sideyard width for a main building may be reduced one (1) foot for each ten (10) feet in a Rural or Residence A District and for each five (5) feet in a Residence B or General Residence District by which the frontage of said lot is less than the minimum specified for its district; provided, however, that the sideyard distance shall not be so reduced to less than fifteen (15) feet in a Rural or Residence A District, or less than ten (10) feet in a Residence B District, or less than six (6) feet in a General Residence District, and provided further that if the width of said lot at any point through the building exceeds the frontage thereof, said width (rather than frontage) shall be used in determining the amount of sideyard reduction.

10. Reduction of Occupied Lots

No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, coverage, setback, yard, or other provisions of this Bylaw applicable to the construction of said building on said lot. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

11. Projections

Nothing herein shall prevent the projection of eaves, chimneys, or cornices not encroaching more than eighteen (18) inches into the setbacks, unclosed porches, porticos or stoops not encroaching more than forty-eight (48) inches into the setbacks, uncovered steps, window sills, or belt courses into any required setback area.

COMMENT: This section provides additional exemptions for unenclosed porches and porticos in order to activate the public realm along the street or block.

12. Corner Clearance

In all residence districts, no building shall be constructed within the triangular area formed by the exterior lines of intersecting streets and a line joining points on such lines twenty-five (25) feet distant from their point of intersection (or, in the case of a rounded corner, the point of intersection of their tangents); and no structure, no tree, shrub, or other planting, and no open display, storage or other open use shall be located within said triangular area in such a manner as to interfere with traffic visibility across the corner.

COMMENT: Note that the Buffer Zone requirements have been revised and relocated to Section 5.G of the By-Law and Section 6-D. Exemptions for Recorded or Endorsed Lots has been relocated to Section 6-C.5.