

Mark Connors

From: Matthew Littell <littell@utiledesign.com>
Sent: Thursday, May 29, 2025 12:44 PM
To: Mark Connors
Cc: Zoë Mueller
Subject: External Email Warning Edits complete on our end

Mark-
Our review is complete on our end.

Re nonconformities here is a summary of what we have done:

The overall approach has been to apply the logic of handling existing nonconforming uses and structures that already exists in Section 5 of the bylaw. With regard to nonconforming uses, there is no change to the restrictions on allowing their expansion or extension. With regard to nonconforming structures, we have applied the exemptions for single and two family dwellings to the additional dimensional requirements specific to the Town Center.

The latest draft reflects three changes in response to the feedback we received from the Planning Board:

1. We have moved the Town Center specific language to Section 5, so that it can be better understood within the context of the language that is already there.
2. For single and two-family structures, we have added further clarification/limitations on nonconforming parking as this seems to be an important issue. So long as the nonconforming parking is not changed and so long as there is no new parking proposed, the proposed alteration will not be considered to increase the nonconforming nature of the parcel. Note that the existing language already limits the allowed nonconformities to alterations that increase the size of the existing structure by 100%.
3. For the Depot Square, we have added the same additional limitation on nonconforming parking as well as a limitation for alterations that exceed the threshold of Substantial Improvement. This is already defined in Section 11 as "Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

This Substantial Improvement limitation could also be applied to the single and two family structures if further restrictions are desired. We have not added it because the prevalence of what will be conforming single and two family structures, and the abundance of safeguards in the new dimensional requirements, will in our opinion be adequate protections against contextually inappropriate outcomes. In addition, this is limited to instances where SF or 2F uses are continued, and would not apply to any change to multi-family or mixed use.

Matthew Littell, LEED AP, Principal