

TOWN OF FALMOUTH
PLANNING BOARD

PUBLIC HEARING NOTICE

In accordance with the provisions of M.G.L. Chapter 40A, Section 5, and Section 1.1D of the Falmouth Zoning Bylaw, the Falmouth Planning Board shall conduct a public hearing to discuss the following zoning article proposed for the Warrant at the Annual Town Meeting to be held on October 26, 2026.

DATE & TIME: Tuesday, July 28, 2026 at 6:30 pm

LOCATION: Falmouth Town Hall, Select Board Meeting Room, 59 Town Hall Square,
Falmouth, MA, 02540

The following summarizes the Zoning Article that will be considered at the Public Hearing:

ARTICLE: To see if the Town will vote to amend the Code of Falmouth, Chapter 240, Zoning, Article 6 – Use Tables, § 240-6.6B Residence Districts Use Table by adding “Semi-detached and two-family dwellings” allowed by Special Permit, as shown in bold in the table below.

§ 240-6.6B Residence District Use Table

N = Not allowed

Y = Allowed by-right

SP-Z = Zoning Board of Appeals special permit

SP-P = Planning Board special permit

Uses	Standards	RAA	RA	RB	RC
Residential Uses					
Semi-detached and two-family dwellings		SP-P	SP-P	SP-P	SP-P

Or do or take any other action on this matter. On request of the Planning Board.

TOWN OF FALMOUTH
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REC'D BY TOWN CLERK
JUL 10 2026 AM 10:59

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ARTICLE: To see if the Town will vote to amend Code of Falmouth, Chapter 240, Zoning, Article 7 – Overlay Districts, Mixed Residential and Commercial Overlay District, § 240-7.5B Establishment/delineation by striking out certain portions and adding certain text as follows with the deletions illustrated by ~~strike throughs~~ and the **added new text in bold**:

§ 240-7.5B Establishment/delineation

- (1) The Mixed Residential and Commercial Overlay District is superimposed **over all at certain** ~~eligible locations in the~~ Business 1 (B1), Business 2 (B2), and Business Redevelopment (BR) zoning districts **as shown on the Official Zoning Map**. In the circumstance where the Mixed Residential and Commercial Overlay District overlays a lot that is divided between two zones, only a portion of which is in the B-1, B-2, or BR district, the entire lot shall be eligible for the provisions of the MRCOD overlay district. The underlying zoning shall remain in effect for use and dimension, and all other provisions of the Zoning Bylaw governing those district(s) shall remain in full force.

An applicant shall have the option of applying for Site Plan Review pursuant to the zoning controls set forth in this section or complying with all applicable zoning controls set forth in the Zoning Bylaw for the underlying district(s).

- (2) ~~The aforesaid eligible locations are shown on a map entitled "Mixed Residential and Commercial Overlay District, Town of Falmouth" dated November 15, 2021, scale: 1:2,500 feet. This map, as it may be amended from time to time, is hereby made part of the Town Zoning Bylaw and is on file at the office of the Town Clerk. Or do or take any other action on this matter.~~

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ARTICLE: To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth in the following manner for the purposes of correcting technical errors and omissions as shown below:

1. Section 240-1.0 through Section 240-14.0

- Change any reference to "Board of Selectmen" to "Select Board" and any reference to "Natural Resources Department" to "Marine and Environmental Services".

2. Section 240-7.8B(2) - Procedure

- Change the text as shown to correct a typo (bold indicates new text and strikethrough indicates deleted text): "Wildlife habitat protection - All areas on the plan set aside for protection of wildlife habitat shall be permanently conveyed in accordance with **§ 240-9.8H(3)** ~~§ 240-9.7H~~. Ownership of open spaces shall be subject to a permanent conservation easement or restriction."

3. Section 240-9.8C(1) - Permitted Uses and Structures

- Change the text as shown (strikethrough indicates deleted text) to correct an inaccurate reference: "Housing - A PRD may contain one or more of the housing types specified below and defined in Article 3 – Definitions.", ~~Residential/Dwelling/Housing Related terms~~

4. Section 240-10.6B(4) - Exemptions

- Change the text as shown (bold indicates new text and strikethrough indicates deleted text) to correct a typo: "Accessory uses & structures – Accessory uses and structures are not exempted under **§ 240-10.6B** ~~§ 240-6B~~."

5. Section 240-11.2B - Minimum lot dimension table

- Change the bylaw section reference in Footnote 4 as shown (bold indicates new text and strikethrough indicates deleted text) to correct typos: "This shall not apply to any

residential lot shown on a plan endorsed by the Planning Board as of April 2, 1984, if the lot conforms to the bylaw requirements on that date. This shall also not apply for the purpose of special permit applications under **§ 240-10.4B(3)f** ~~§ 240-10.3B(3)f~~., provided that the provisions of this sentence shall not apply to more than three adjoining lots in common ownership. This protection shall not restrict the Planning Board from considering alternatives to issuance of a special permit under **§ 240-10.4B(3)f** ~~§ 240-10.3B(3)f~~.”

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ARTICLE: To see if the Town will vote to amend the Code of Falmouth, Chapter 240, Zoning, Article 10 – Nonconforming Structures, Uses, and Lots by striking out certain portions and adding certain text as follows with the deletions illustrated by ~~striketroughs~~ and the **added new text in bold**:

Article 10: Nonconforming Structures, Uses, and Lots.

§ 240-10.3A. Conformance with MGL c. 40A, § 7

To delete subsection § 240-10.3A(2) as follows:

~~(2) Legally nonconforming use - A nonconforming use of a structure may be changed to another nonconforming use by special permit, provided the permit granting authority finds that the new use is not substantially more detrimental to the neighborhood than the existing use.~~

§ 240-10.4A. Lot shape and size

Lot change - Any lot, or open space on a lot, including yards and setbacks, shall not be reduced or changed in area or shape such that the lot, open space, yard, or setback is made nonconforming or more nonconforming ~~unless a special permit has been granted under the provisions of this bylaw.~~ However, this section shall not apply in the case of a lot where a portion of the lot is taken for a public purpose.

§ 240-10.4B. Miscellaneous provisions

To add a new subsection § 240-10.4B(3)(i), with new text as follows:

§ 240-10.4B(3)(i): Adjacent lots under common ownership shall not be treated as a single lot for local zoning purposes if, at the time of recording or endorsement, the lots: (i) conformed to then existing requirements of area, frontage, width, yard or depth, where each such lot has not less than 10,000 square feet of area and 75 feet of frontage; and (ii) are located in a

zoning district that allows for single-family residential use. Any single-family residential structure constructed on said lot shall not exceed 1,850 square feet of heated living area, shall contain not less than 3 bedrooms and shall not be used as a seasonal home or short-term rental.

Or do or take any other action on this matter. On request of the Planning Board.