

The Chilmark Planning Board/Zoning Board of Appeals

Biennial Report to Town Meeting

Residential Building Size Regulation Zoning Bylaw Impacts

Annual Town Meeting - April 25, 2022

The “Residential Building Size Regulations” zoning bylaw, limiting the amount of living area on a lot, was approved at the April 2013 Annual Town Meeting. On the floor of that Town Meeting, an amendment to the bylaw was approved which requires the Planning Board and the Zoning Board of Appeals (ZBA) to jointly meet, review the effects of the bylaw and to report to the Town biennially. Accordingly, the Planning Board and the Zoning Board of Appeals met on February 14, 2022 in order to prepare a report for the Annual Town Meeting on April 25, 2022.

In brief, both the ZBA and the Planning Board agree that the Residential Building Size Regulation bylaw appears to be working.

This report presents the construction and special permit activity for the years 2011-2021, the administrative effects of the Residential Building Size Regulation bylaw on the Zoning Board of Appeals and appropriate conclusions. The data in years 2011-2012, before the bylaw went into effect, are included for the purposes of comparison.

BUILDING PERMIT & SPECIAL PERMIT ACTIVITY:

Summary of Residential Building Permits Issued 2011-2021:

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
New SFR	12	18	8	12	17	16	16	11	15	11	13
Additions	18	20	11	19	17	15	21	19	18	40	48
TOTAL BUILDING PERMITS ISSUED	79	108	110	114	135	116	152	115	144	133	161

Average Square Footage of Single Family Residences Built By Year:

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
New SFR	2430	3592	3072	2160	1928	2004	2115	2390	2650	2479	2089

Special Permit Activity related to the Residential Building Size Regulation Bylaw 2011-2021*:

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Special Permits	NA	NA	2	3	3	0	5	5	6	1	4
New SFR	NA	NA	0	0	0	0	0	0	3	0	0
Additions	NA	NA	2	2	3	0	4	5	2	0	3
Guest House	NA	NA	0	1	0	0	0	0	1	1	1
Detached BD	NA	NA	0	0	0	0	1	0	0	0	0

*All of the 2015-2021 special permit applications were approved by the ZBA.

CONCLUSION

We note that the number of permits for Additions increased significantly in the 2020-21 years. However, the Residential Building Size Regulation bylaw does not seem to have had a material effect on either the number of building permits or the number of special permit applications.

Special permits are reviewed by the ZBA according to a number of specific criteria (see below). Both the Planning Board and the ZBA feel that, even though not all of the 13 criteria have been relevant, it is still worth keeping them. Further, it is worth noting that agents for Special Permit applicants appear to understand the criteria and generally prepare their presentations having regard to them.

13 Criteria Used by the Zoning Board of Appeals when considering an application for a special permit under the Residential Building Size Regulation Bylaw, 6.11:

1. the project, when complete, would be visible, including during the winter, from public ways, water bodies, cemeteries and neighboring properties, and if so whether:
 - a. the impact of the project on the existing rural, scenic character of the site and the surroundings has been mitigated through building siting, building design and landscape design;
 - b. the project retains natural buffer areas or, where that is impracticable, provides sufficient landscape screening; and
 - c. the project minimizes the impact of exterior and interior lighting on the surrounding area and minimizes glare from windows or other reflecting materials incorporated in the project;
2. the project protects the natural features of the site and retains the natural landscape of the site after completion of construction;
3. the project avoids altering the natural landscape, minimizes the size of lawns and recreational facilities, uses native species for landscaping, and retains natural vegetation on slopes;
4. the project minimizes grading alterations and executes grading and excavation so that the contours of the land are the same following construction as those previously existing on the site and adjacent to it;
5. roads and other ways are designed to curve to fit the landscape and permit shared driveway entrances where possible;
6. the project maintains the visual integrity of ridge lines by keeping construction below the ridge line and at least 10' below the average height of the existing trees on wooded ridges and hilltops on the lot;
7. in open land, buildings are sited behind fields against the backdrop of adjoining woodlands;
8. the project preserves and protects natural features of the site such as scenic points, water courses, large trees, historic spots, traditional stone walls and similar community assets;
9. the project incorporates measures to reduce or mitigate excessive negative water quality impacts on ponds, wetlands and other water bodies both during construction and after completion;
10. the project is designed to minimize fossil fuel use such as by incorporating energy efficiency, conservation techniques, and using renewable energy sources.
11. in relation to its construction and possible eventual demolition, the project uses environmentally sound and sustainable design and building techniques.
12. the project avoids significant adverse impacts on habitat, including:
 - a. whether the project meets the requirements and/or recommendations of the Massachusetts Natural Heritage and Endangered Species Program (NHESP) if the project triggered its review; and
 - b. if the project involves the clearing of more than one acre of NHESP Core or Priority Habitat, whether the project minimizes habitat fragmentation and has a defined development envelope limiting the disturbed area to the smaller of 35% or 2 acres of the designated habitat; and
13. The project protects and preserves historical and archaeological resources.