

The Chilmark Planning Board/Zoning Board of Appeals

Biennial Report to Town Meeting

Residential Building Size Regulation Zoning Bylaw Impacts

Annual Town Meeting - April 23, 2024

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 have considered the bylaw effects since 2022 in order to prepare this report.

This report presents the permit data for the years 2013-2023, and presents a conclusion that addresses input from the Zoning Board of Appeals and the Building Inspector..

BUILDING PERMIT & SPECIAL PERMIT ACTIVITY:

Summary of Residential Building Permits Issued 2013-2023:

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
New SFR	8	12	17	16	16	11	15	11	13	16	7
Additions	11	19	17	15	21	19	18	40	48	49	36
TOTAL BUILDING PERMITS ISSUED	110	114	135	116	152	115	144	133	161	192	193

Average Square Footage of Single Family Residences Built By Year:

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
New SFR	3072	2160	1928	2004	2115	2390	2650	2479	2089		3094

Special Permit Activity related to the Residential Building Size Regulation Bylaw 2013-2023:

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Special Permits	2	3	3	0	5	5	6	1	4	3	7
New SFR	0	0	0	0	0	0	3	0	0	0	2
Additions	2	2	3	0	4	5	2	0	3	1	3
Guest House	0	1	0	0	0	0	1	1	1	0	0
Detached BD	0	0	0	0	1	0	0	0	0	0	0
Accessory Structure										2	2

CONCLUSION:

There are two construction conditions that have been identified as challenges facing Chilmark. Both these conditions have impacted land use, through the current definition of Total Living Area (2.24) in our zoning bylaws and the Residential Building Size Regulation Bylaw (6.11).

1. Impact of build-out on lots by non-habitable development (e.g., pools, patios, decks, terraces, tennis courts, etc.).
2. Impact of below-grade excavation and land displacement, which also can increase living areas below grade that are not calculated in total living area.

The PB will be considering these and other pressures on land use facing the Town in the upcoming year. We welcome any resident to contact us and/or to participate in our bi-monthly meetings.

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.