

Residential Construction Size Bylaw

A. PURPOSE

In accordance with the goals set out in Section 1.1 of the Zoning Bylaw, this amendment proposes to clarify and further establish parameters for the design and construction of residential buildings in West Tisbury. In keeping with best existing practices and historic precedent, with an eye toward preserving the town's rural, cultural, and natural character, this bylaw addresses the size of newly constructed houses and additions in relation to lot area: their scale, proportion, and relationship to the existing community; as well as their visual and environmental impact. It also promotes responsible and conscientious building practices. We have thoroughly considered all of these criteria in the crafting of this bylaw which we believe will allow our town planners the tools they need to preserve the characteristic qualities we have come to know and love about the Town of West Tisbury.

B. REGULATIONS and EXCEPTIONS

1. **Residential Floor Area (RFA) Limit.** Subject to the exceptions noted below, building permits for new construction or for additions to existing residential structures (as of TOWN MEETING DATE), shall only be issued for projects that, when completed, do not exceed 3,500 square feet (sq. ft.) for 3 acres:
 - a. plus 250 sq. ft. for each additional contiguous acre; or
 - b. minus 250 sq. ft. for each subtracted contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.

The RFA Limit applies to residential structures; including, but not limited to: principal dwelling, subordinate dwellings (where allowable by zoning), detached bedrooms, enclosed porches, seasonal camps, pool houses, and indoor sports facilities. (removed attached garages and screened porches)

2. **Supplementary Floor Area (SFA) Limit.** In addition to the residential structures referred to above, 2,000 sq. ft. may be used for additional accessory structures; including, but not limited to: studios, workshops and garages.

The Supplementary Floor Area Limit may exceed 2000 sq. ft. if the applicant chooses to reappportion some of the allowed RFA in order to increase the SFA by the same amount.

Excluded from either limit are:

- a. accessory apartments that are deed restricted to remain affordable in perpetuity;
- b. non-habitable attic spaces;
- c. open porches, and decks;
- d. screened porches 300 sq. ft. or less. Any square footage greater than 300 sq. ft. will be added to the RFA.
- e. all accessory structures used exclusively for agriculture;
- f. all non-habitable structures under 200 sq ft;
- g. Multi family Housing, permitted under West Tisbury Zoning Bylaw 4.4-3B. (No longer says 100%)

Should an excluded structure include space that qualifies for either the Residential or Supplementary Floor Area Limit, that portion will be added to the calculation, as determined by the Building Inspector.

For the purposes of this bylaw, the Residential and Accessory Floor Area shall consist of the sum of the horizontal areas of the above-grade floors of a building, measured from the exterior faces of the framing of the exterior walls of the building, without deduction for bathrooms, hallways, stairs, closets, and the thickness of walls, columns or other structural features.

For the purposes of determining whether floor area in attics constitutes inclusion in the RFA, the requirements of the current Massachusetts State Building Code, will be used.

For the purposes of computing applicable floor area in basements the following criteria will be used: basement rooms with exposed and visible exterior walls, a minimum of 4' above grade, with a clear glass area in excess of 50 sq. ft. on the same wall, or an aggregate in excess of 75 sq. ft. on walls of the same orientation, will be added to the floor area calculation.

3. Special Permit to exceed Floor Area limits. A special permit may be issued, by the Planning Board as the Special Permit Granting Authority, for the RFA Limit to exceed 3,500 sq. ft., and/or for the SFA Limit to exceed 2,000 sq. ft. In no case may the Residential Floor Area on a 3-acre lot exceed 5,000 sq. ft. or the combined Residential and Supplementary Floor Area exceed 7,000 sq. ft.

- a. plus 250 sq. ft. for each additional contiguous acre; or
- b. minus 250 sq. ft. for each subtracted contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.

4. Exceptions for Existing Buildings

- a. The Floor Area Limits established in subsection B.1 and B.3 may be exceeded by 5%, without a special permit, for additions, to a structure that existed before _____ (date when this regulation was adopted).

b. these exemptions may be used for more than one addition and/or more than one project, but they may not total more than 5% in excess.

5. Application to Dwelling Unit Density. This section shall not be construed to limit the number of buildings which would otherwise be permissible on one lot, as described in West Tisbury Zoning Bylaws, section 4.4-1A Dwelling Unit Densities Permitted By Right; provided, however, that the RFA and SFA for each building on the lot does not exceed the limitations imposed in sections B.1, B.2 and B.3, respectively.

C. DETERMINATION by BUILDING INSPECTOR

The Building Inspector will determine the square footage of all projects and the applicability of the Floor Area Limits. If the Building Inspector determines that a special permit is required, the Building Inspector will refer the project to the Planning Board, where the applicant can seek a special permit if they chose to proceed as designed. A building permit will not be issued without the special permit and the accompanying documentation used in granting the special permit. If the Building Inspector determines that the final plans differ significantly from the preliminary plans used during the special permit granting process, the Building Inspector will send the project back to the Planning Board for additional review.

D. PLANNING BOARD hearing

The Planning Board must hold a hearing within ___ days or receiving the application for the special permit. Notice of the hearing must be given at least ___ days before the date of the hearing, per Planning Board regulations. Notice must be given to:

1. WT residents who abut a significant water body adjacent to the subject property or when the subject structure is within 200' of the water body and visible from the water body.
2. Property owners within 500 feet of the applicant's property;
3. Any road or pond association of which the applicant is entitled to membership;
4. All Town boards and commissions that have jurisdiction over any aspect of the project.

E. DOCUMENTATION for a HEARING

Prior to the hearing, the applicant must provide scaled and dimensioned preliminary architectural drawings (including a site plan, floor plan, and elevations)

and a preliminary landscaping and topographical plan, including preliminary plant list. The Planning Board may also require:

1. a model or rendering of the project and surrounding area or any other such information it considers necessary;
2. consultation with architects, engineers, and other consultants, the cost of which will be assessed to the applicant.

F. CONSIDERATION by the PLANNING BOARD

In its review of an application for a special permit, the Planning Board must consider the application's adherence to the following guidelines; that is, whether:

1. the completed project would be visible, at any time of year, from public ways, water bodies, cemeteries, and neighboring properties, and if so whether:
 - a. the impact of the project on existing rural, scenic character of the site and its surroundings has been mitigated through building siting, building design, and landscape design;
 - b. natural buffer areas have been retained to provide landscape screening;
 - c. the project minimizes the impact of all lighting and glare from windows and reflective materials.

2. the project, as it is presented in a preliminary landscaping plan, protects the natural features of the site and restores or retains the site's natural landscape 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 utilizes minimal, if any, irrigation, other than a temporary (less than 2 year) system to establish plantings after installation.

5. the project minimizes *alteration of the land form* and executes grading and excavation so that the contours of the land are relatively the same following construction as those previously existing on the site and adjacent to it;

6. roads and other ways are designed to curve to fit the landscape, and to share driveways where possible;

7. the highest point of the building is respectful of surrounding ridge lines and the average height of existing trees on the lot;

8. in open land, buildings are sited at the edge of fields;

9. the project preserves and protects natural features of the site such as scenic points, water courses, large trees, historic spots, traditional stone walls, significant rocks and boulders, and similar community assets;

10. the project incorporates measures to mitigate excessive negative water quality impacts on ponds, wetlands, and streams during and after construction.

11. the project avoids significant adverse impact 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;
- b. whether the project minimizes habitat fragmentation if more than one acre of NHESP Core or Priority Habitat has been cleared.

12. the project protects and preserves historical and archeological resources.

G. ENERGY PERFORMANCE REQUIREMENTS for Residential Floor Area SPECIAL PERMIT

In addition to the considerations above, projects seeking additional Residential Floor Area square footage by special permit are required to minimize energy use by incorporating energy efficiency, conservation techniques and using renewable energy sources. For residential dwellings, as determined by the Building Inspector, with an aggregate in excess of 3,500 sq. ft., the required HERS rating for the entire project would be less 5 points from the current Stretch Code requirement for every additional 250 sq. ft. The energy performance requirements would apply to new construction and all additions that alter or expand an existing structure by more than 50%. These numbers are subject to change as State Code changes, but as an example, currently the HERS requirements compute as:

3,500 sq. ft. or less = 55 (2021 Stretch Code requirement)
 3,750 = 50
 4,000 = 45
 4,250 = 40
 4,500 = 35
 4,750 = 30
 5,000 = 25
 5,250 = 20
 5,500 = 15
 5,750 = 10
 6,000 and above = 5

H. DETERMINATION by the PLANNING BOARD

The Planning Board may, as they see fit, impose conditions on the project that mitigate its impacts to ensure that the permit is consistent with the purpose of this bylaw, including a deed restriction against future development and/or subdivision of the property.

The Planning Board and Building Inspector will schedule site visits to insure compliance with the special permit conditions, including but not limited to those relating to: construction; grading and landscaping.

I. OTHER APPROVALS/AMENDMENTS

The procedure set out in this section is not exclusive of any other permit or approval that may be required.

Any amendments to any element of the project, including the special permit, will require further approval from the Planning Board.

J. BIENNIAL REVIEW

The Planning Board and the Zoning Board of Appeals will meet in two years to review this regulation and address unexpected consequences of it. They will report their findings to the town meeting and determine if subsequent review and report is needed.