

Zoning Board of Appeals

From: Samantha Look <slook@vineyardconservation.org>
Sent: Wednesday, April 28, 2021 11:22 AM
To: Zoning Board of Appeals
Subject: Re: [West Tisbury, MA] Preserve West Tisbury bylaw draft (Sent by Samantha Look, slook@vineyardconservation.org)
Attachments: April 19 PWT bylaw draft.docx

Hi Pam,

Thank you for putting us on the agenda for the 27th. I am sorry the draft did not get included. It is attached here.

Best,

Sam

On Wed, Apr 28, 2021 at 10:36 AM Zoning Board of Appeals <zba@westtisbury-ma.gov> wrote:

Hi Samantha, I can put you on the agenda for the May 27th meeting but I don't see an attachment here. Pam

Pam Thors, West Tisbury Zoning Board Administrator

-----Original Message-----

From: cmsmailer@civicplus.com <cmsmailer@civicplus.com>

Sent: Tuesday, April 27, 2021 3:34 PM

To: zba@westtisbury-ma.gov

Subject: [West Tisbury, MA] Preserve West Tisbury bylaw draft (Sent by Samantha Look, slook@vineyardconservation.org)

Hello pthors,

Samantha Look (slook@vineyardconservation.org) has sent you a message via your contact form (<https://www.westtisbury-ma.gov/user/47/contact>) at West Tisbury, MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.westtisbury-ma.gov/user/47/edit>.

Message:

Hi Pam,

I am reaching back out from the Preserve WT subcommittee to say that we have a draft bylaw that we would love to share with your board. I have attached it here. If there is a time that is convenient to get on an agenda and hear your board's feedback that would be great.

Many Thanks,

Sam

DRAFT - 4/19/21

INTRODUCTION

At the center of the island, West Tisbury is the only Island town without a working harbor and the associated maritime professions and histories typical of the Vineyard's other towns. Combined with our topography — not as coastal as down Island, not as rolling as up Island — this has given rise to a long agricultural tradition that is unique to the Island. The resulting architectural heritage of classic New England farm houses with barns and small outbuildings edging fields and defining farm yards, has left us with a legacy of buildings and their surrounding landscapes in symbiotic relationship, one sustaining the other.

We, the people living in this town, make up a community. Some of us have lived here all our lives, with families that have been here for generations; some of us have more recently come to call West Tisbury home. We are farmers, tradespeople, small business people, artists, teachers, town employees, among others. What we have in common is our love for our town. There is a finite amount of buildable land still available, but it won't be for long. Growth and change are inevitable, but we as a community need to have a voice in shaping what West Tisbury looks like in the future.

The intention of the proposed bylaw is to establish parameters for the design and construction of residential homes in West Tisbury. In an effort to preserve the town's rural, cultural, and natural character, and existing and historic qualities, this bylaw addresses the size of houses in relation to lot area; their scale, proportion, and relationship to the existing community; and their visual and environmental impact. It also calls for responsible and conscientious building practices. We have considered all these criteria in crafting this bylaw, which we believe will preserve what we love best about West Tisbury, our home.

Proposed Bylaw

Note: Using Chilmark's "Big House Bylaw" as a template, we customized some details to suit West Tisbury. Some sections were modified for clarity.

A. PURPOSE

This section addresses the design and construction of residential homes in order to preserve the rural, agricultural, and residential character of West Tisbury. In keeping with existing practices and historic precedent, it establishes a limit on the size of houses, both newly constructed and additions to existing buildings. It promotes responsible and conscientious building practices, while considering a building's environmental impact and its relationship to its neighborhood — all in accordance with the goals set out in Section 1.1 of the Zoning Bylaw.

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 dwellings (as of TOWN MEETING DATE), shall only be issued for projects that, when completed, do not exceed 3500 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 dwellings; including, but not limited to: principal dwelling, subordinate dwellings (where allowable by zoning), and detached bedrooms.

2. **Accessory Floor Area (AFA) Limit.** In addition to the residential dwellings, 2,500 sq. ft. may be used for additional accessory structures; including, but not limited to: studios, pool houses, workshops, indoor sports facilities, seasonal camps and the like.

Excluded from either limit are:

- a. accessory apartments; in an effort to facilitate affordable and multi-generational housing.
- b. non-habitable attic spaces, porches, and decks;
- c. all structures used exclusively for storage and agriculture;
- d. all structures under 200 sq ft;

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

For the purposes of computing applicable floor area in attics, the requirements of the current International Residential Code, Chapter 3, will be used.

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 exterior walls of the building, without deduction for bathrooms, hallways, stairs, closets, and the thickness of walls, columns or other structural features.

3. Special Permit to exceed Floor Area limits. A special permit may be issued, by the Planning Board as the permit granting authority, for residential dwellings to exceed 3,500 sq. ft., and/or for accessory structures to exceed 2500 sq. ft., but in no case may the Residential Floor Area on a 3-acre lot exceed 6,000 sq. ft. or the combined Residential and Accessory Floor Area exceed 8,500 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 Gross Floor Area limit established in subsections B.1 and B.2 may be exceeded by 5%, without a special permit for additions, to a building 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.

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 applicant may apply to the Planning Board. A building permit will not be issued without the special permit.

D. PLANNING BOARD hearing

The Planning Board must hold a hearing within ___ days of 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. West Tisbury residents who would be considered abutters if a relevant public water body were treated as if it were a public road;
2. Property owners within 300 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

The applicant must provide scaled, schematic architectural drawings (including a site plan, floor plan, and elevations) and a preliminary landscaping plan prior to the hearing. 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 report, if any, of the Site Review Committee, and 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 retains the site's natural landscape after completion;
3. roads and other ways are designed to curve to fit the landscape, and to share driveways where possible;
4. the highest point of the building is respectful of surrounding ridge lines and the average height of existing trees on the lot;

5. in open land, buildings are sited at the edge of fields;
6. 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;
7. the project incorporates measures to mitigate excessive negative water quality impacts on ponds, wetlands, and streams during and after construction.
8. 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.
9. the project protects and preserves historical and archeological resources.

G. ENERGY PERFORMANCE REQUIREMENTS for SPECIAL PERMIT

In addition to the considerations above, projects seeking additional 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 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%. Currently the HERS requirements compute as:

3,500 sq. ft.	= 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

Possible additional criteria, requiring the use of an Advanced Nitrogen System requirement, for any projects seeking increased size via Special Permit. Waiting on more info from WT Board of Health.

H. DETERMINATION by the PLANNING BOARD

The Planning Board may, as they see fit, impose conditions on the project that mitigate the impact of the special permit and 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.

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 shall meet every two years to review this regulation and address unexpected consequences of it. They will report their findings to the town meeting.