

Analysis of Issues Related to the A/R1 Boundary

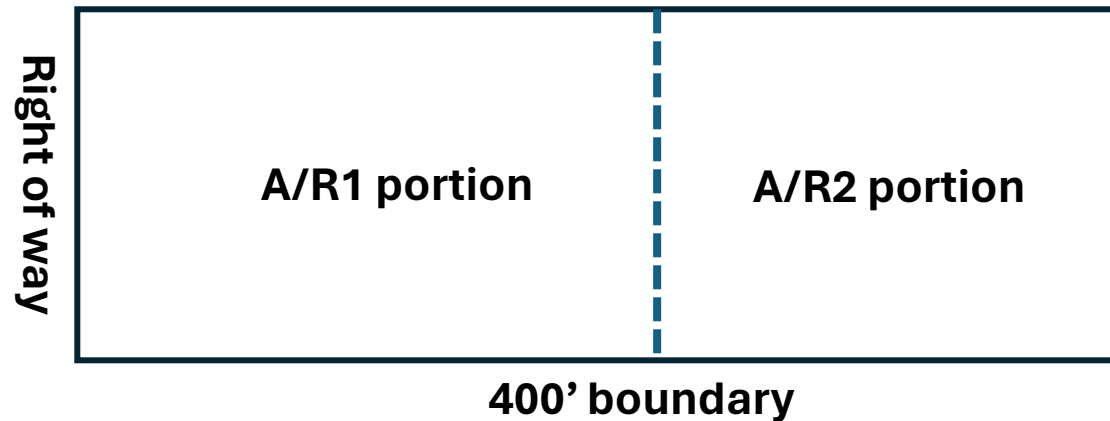
Brant Cheikes

April 22, 2024

Background

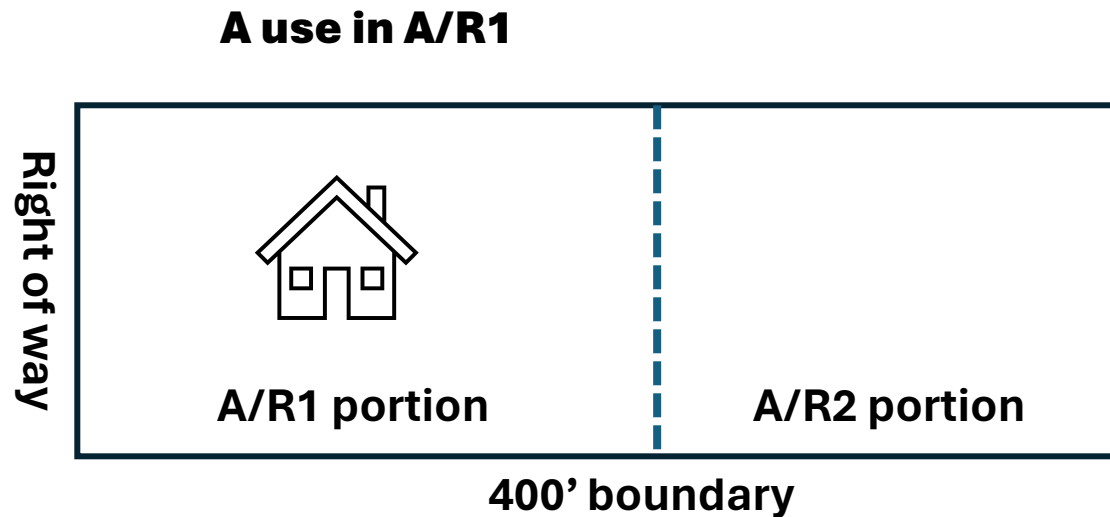
Agricultural/Residential District 1 (A/R1) is defined as “extending 400 feet back from the right of way on any existing road providing Lot Frontage”

The boundary between A/R1 and A/R2 may split lots into two portions:



Background

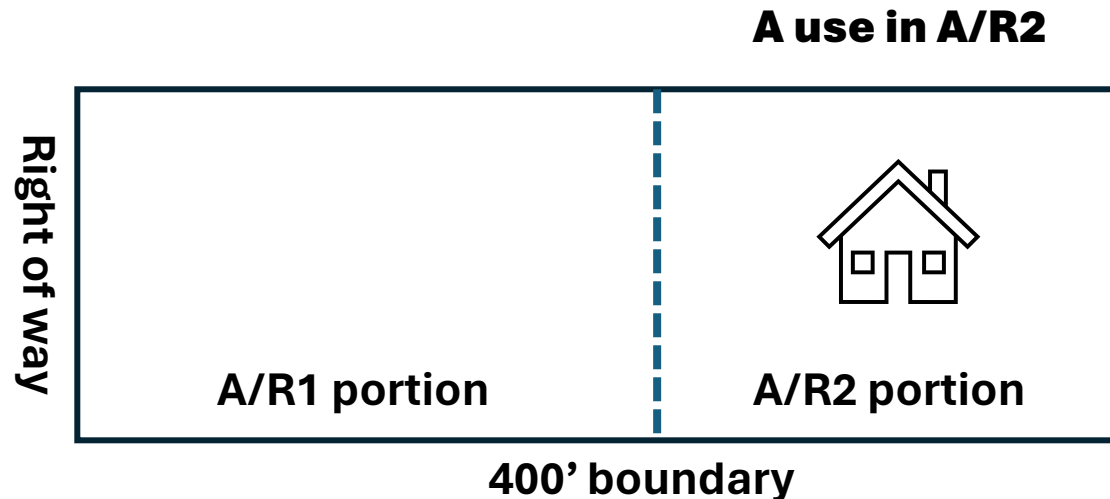
When a lot is split into an A/R1 portion and an A/R2 portion, the location of the use within the lot determines whether the use is “in” A/R1 or A/R2.*



** This assertion is based on Building Inspector interpretation and the absence of more specific guidance in the bylaws.*

Background

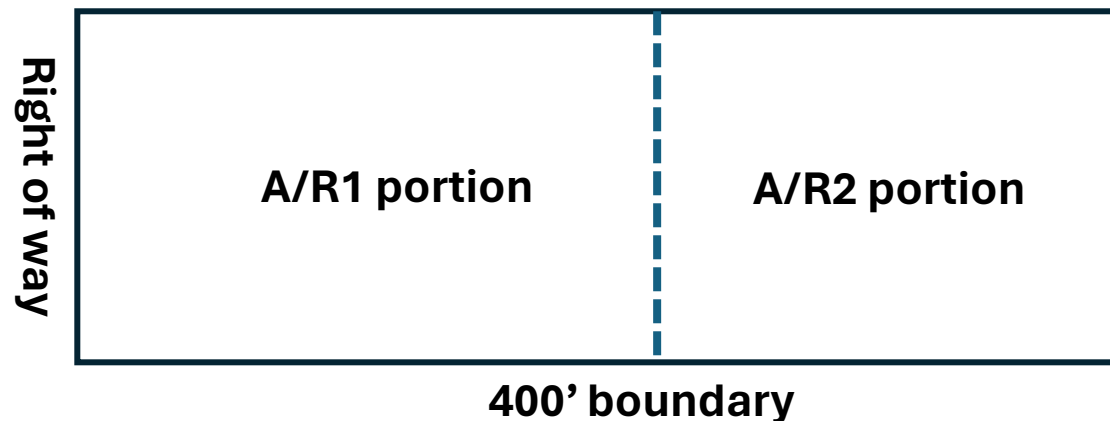
ASSUMPTION:* When a lot is split into an A/R1 portion and an A/R2 portion, the location of the use within the lot determines whether the use is “in” A/R1 or A/R2.



* Assumption based on Building Inspector interpretation and the absence of pertinent language in the bylaws.

Background

As a consequence, the location of the use within the lot determines how the Table of Use Regulations and the Table of Dimensional Requirements are applied to determine compliance with zoning.



Proposed Amendment to Table of Dimensional Requirements*

A. The Table of Dimensional Requirements shall be as follows:

	Minimum Lot Area (square feet)	Minimum Frontage (feet)	Front yard (feet)	Rear/Side Yard * (feet)	Maximum Lot Coverage (percent)
Agricultural/Residential District 1:					
Lots with Public Water	40,000	175	50	20	30
Lots without Public Water	60,000	200	50	20	30
Agriculture/Residential District 2: [added ATM 4-27-2010, Art 11]					
Lots with Public Water	80,000 **	200 ***	50	20	30
Lots without Public Water	120,000 **	300 ***	50	20	30

* Fifty (50) feet side and/or rear yards in new residential subdivisions adjacent to or nearby to farmland may be required to provide a buffer between the residential lot lines and farmland to minimize conflicts between residential and farming activities.

** Where a lot has Lot Frontage in Agricultural/Residential 1, the area within Agricultural/Residential 1 may count toward the Minimum Lot Area.

*** Where the Lot Frontage is in Agricultural/Residential 1, the minimum requirements of that zoning district apply.

* Rows in the Table related to the Commercial and Industrial Districts have been elided in this figure for clarity only.

Location Matters

Even if the proposed amendment is adopted, placement of a structure within a lot relative to the A/R1 boundary may still lead to counterintuitive non-compliance with zoning.

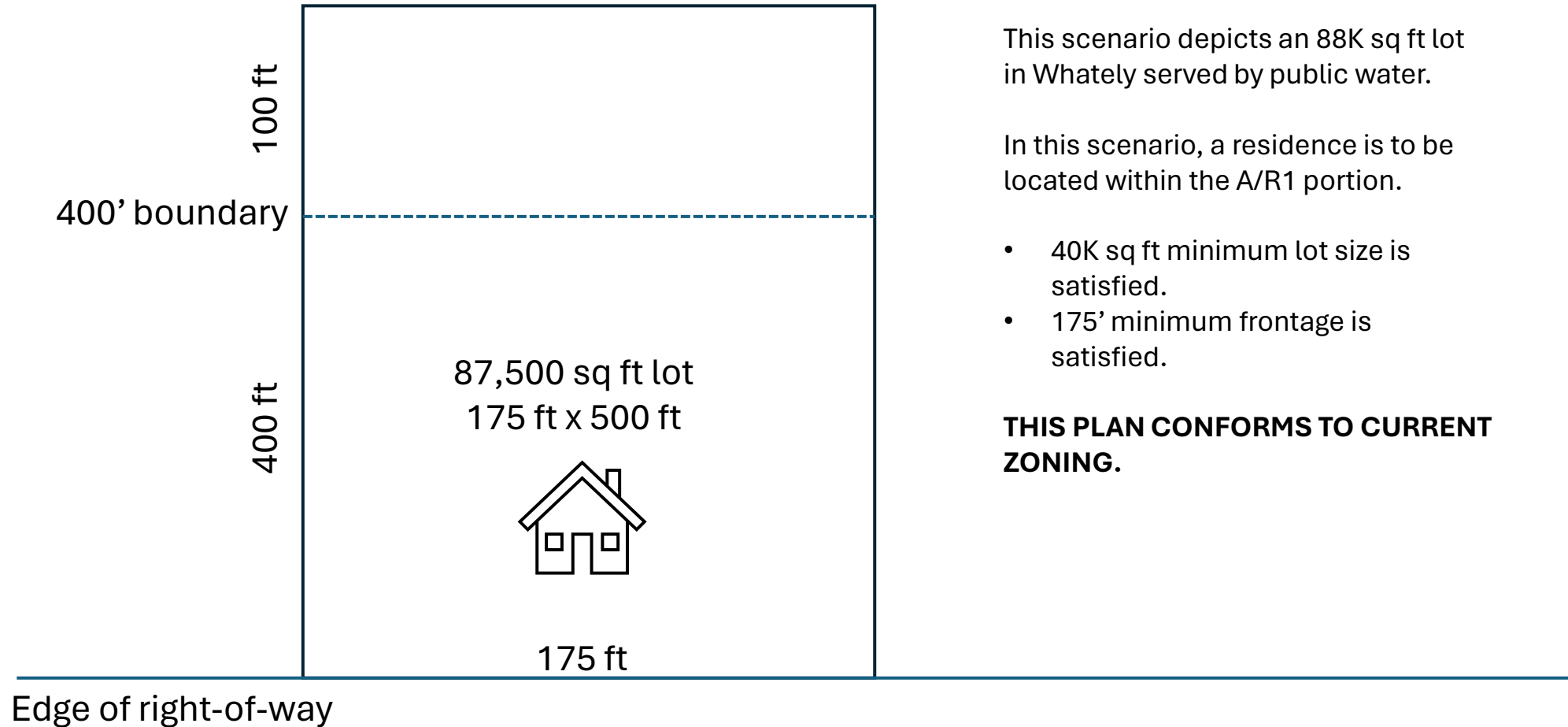
The scenarios appear to affect:

1. Certain lots* with public water having an area between 40K and 80K sq ft (0.92 acre to 1.84 acre)
2. Certain lots** without public water having area between 60K and 120K sq ft (1.38 acre to 2.76 acre)

** Lots with at least 175 feet of frontage in A/R1.*

*** Lots with at least 200 feet of frontage in A/R1.*

Scenario 1A: Lots with public water



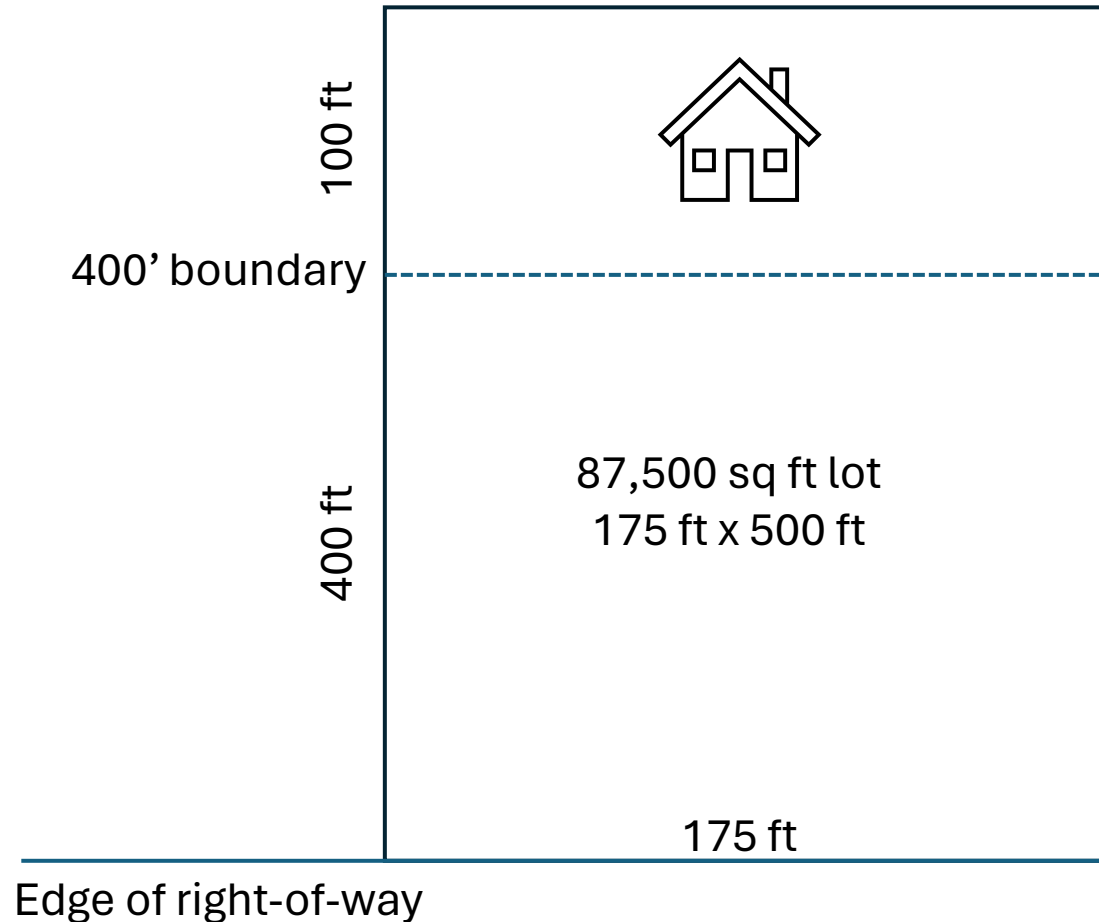
This scenario depicts an 88K sq ft lot in Whately served by public water.

In this scenario, a residence is to be located within the A/R1 portion.

- 40K sq ft minimum lot size is satisfied.
- 175' minimum frontage is satisfied.

THIS PLAN CONFORMS TO CURRENT ZONING.

Scenario 1B: Lots with public water



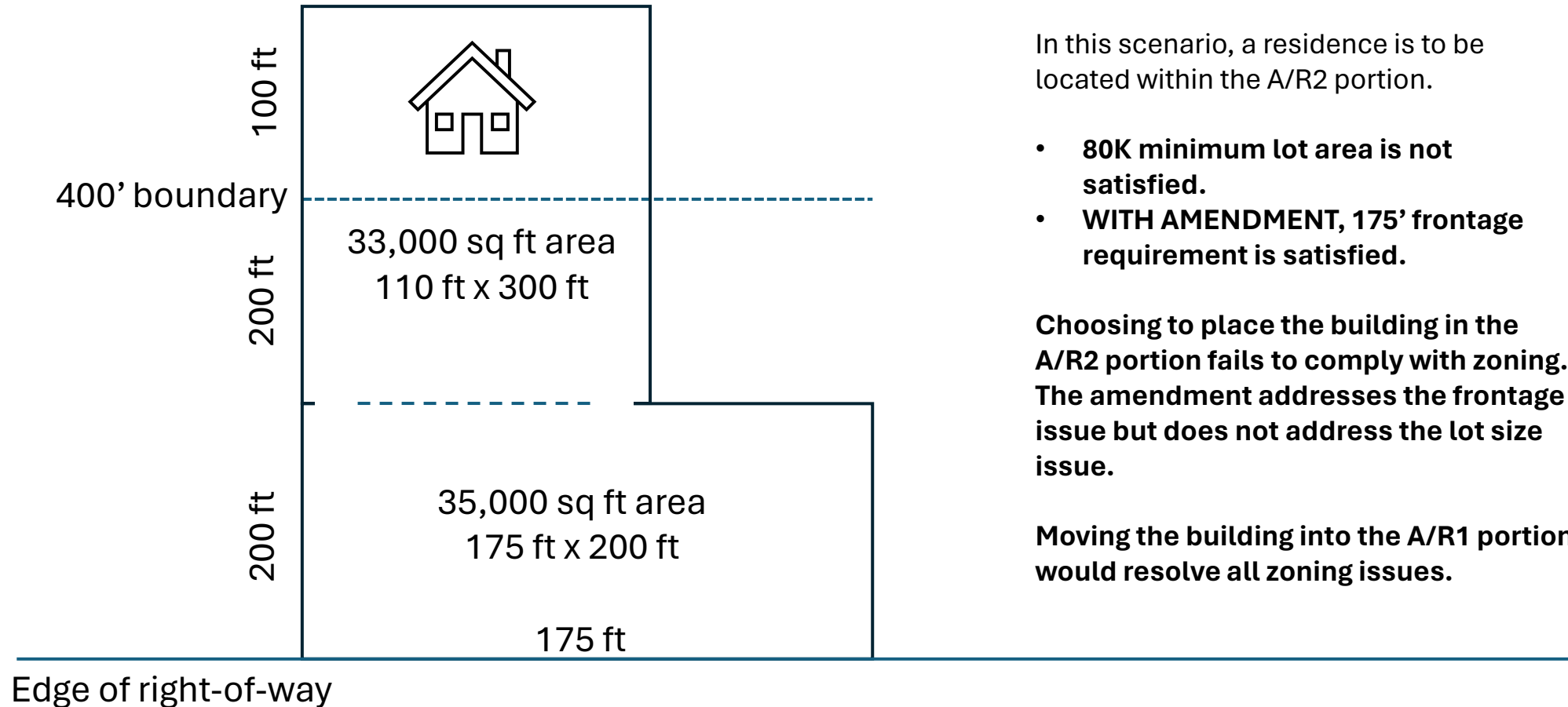
This scenario depicts an 88K sq ft lot in Whately served by public water.

In this scenario, a residence is to be located within the A/R2 portion.

- A/R2 80K sq ft minimum lot size is satisfied (under current zoning).
- **UNDER CURRENT ZONING, 200' minimum frontage is not satisfied.**
- **WITH PROPOSED AMENDMENT, 175' frontage requirement is satisfied.**

Without the proposed amendment, this building location fails to comply with zoning due to frontage.

Scenario 1C: Lots with public water



This scenario depicts an L-shaped 68K sq ft lot in Whately served by public water.

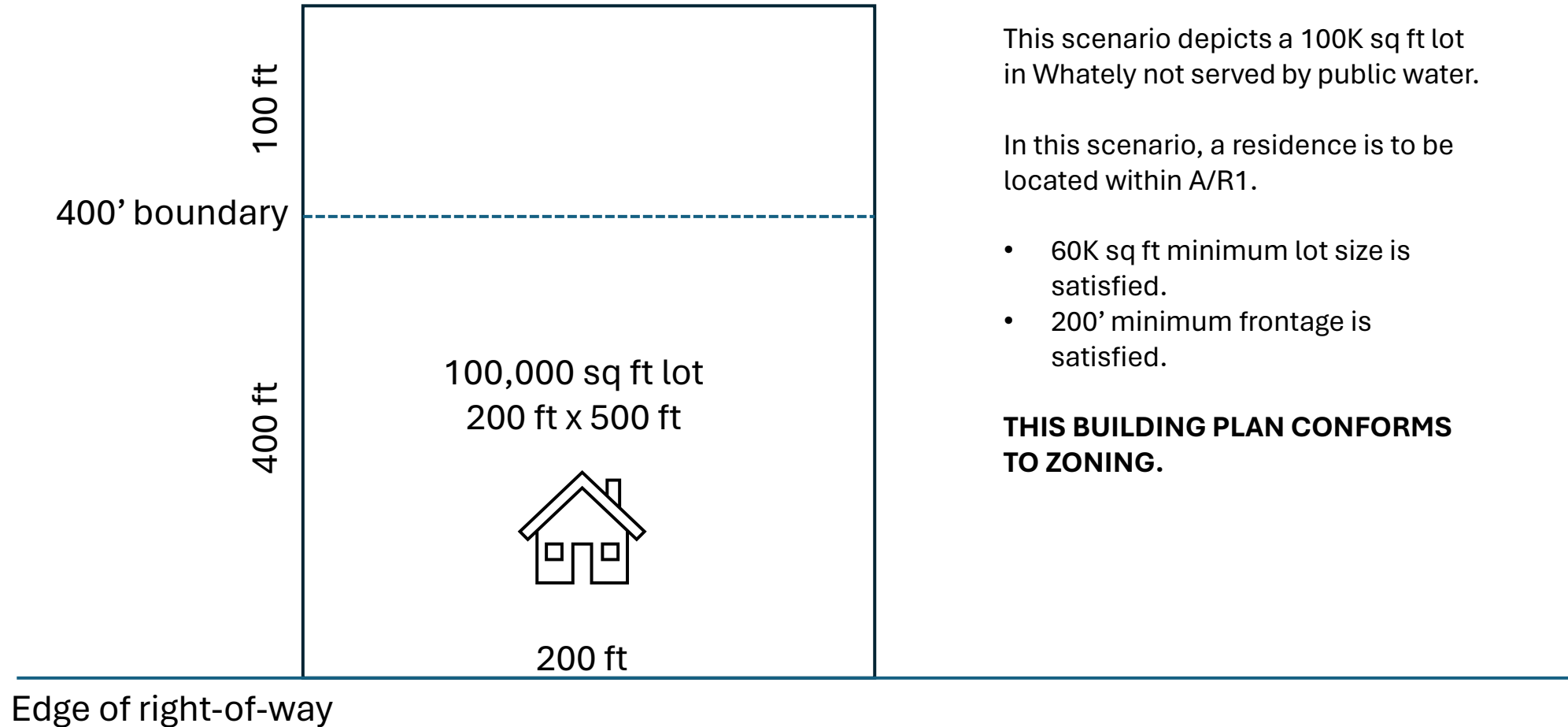
In this scenario, a residence is to be located within the A/R2 portion.

- **80K minimum lot area is not satisfied.**
- **WITH AMENDMENT, 175' frontage requirement is satisfied.**

Choosing to place the building in the A/R2 portion fails to comply with zoning. The amendment addresses the frontage issue but does not address the lot size issue.

Moving the building into the A/R1 portion would resolve all zoning issues.

Scenario 2A: Lots without public water



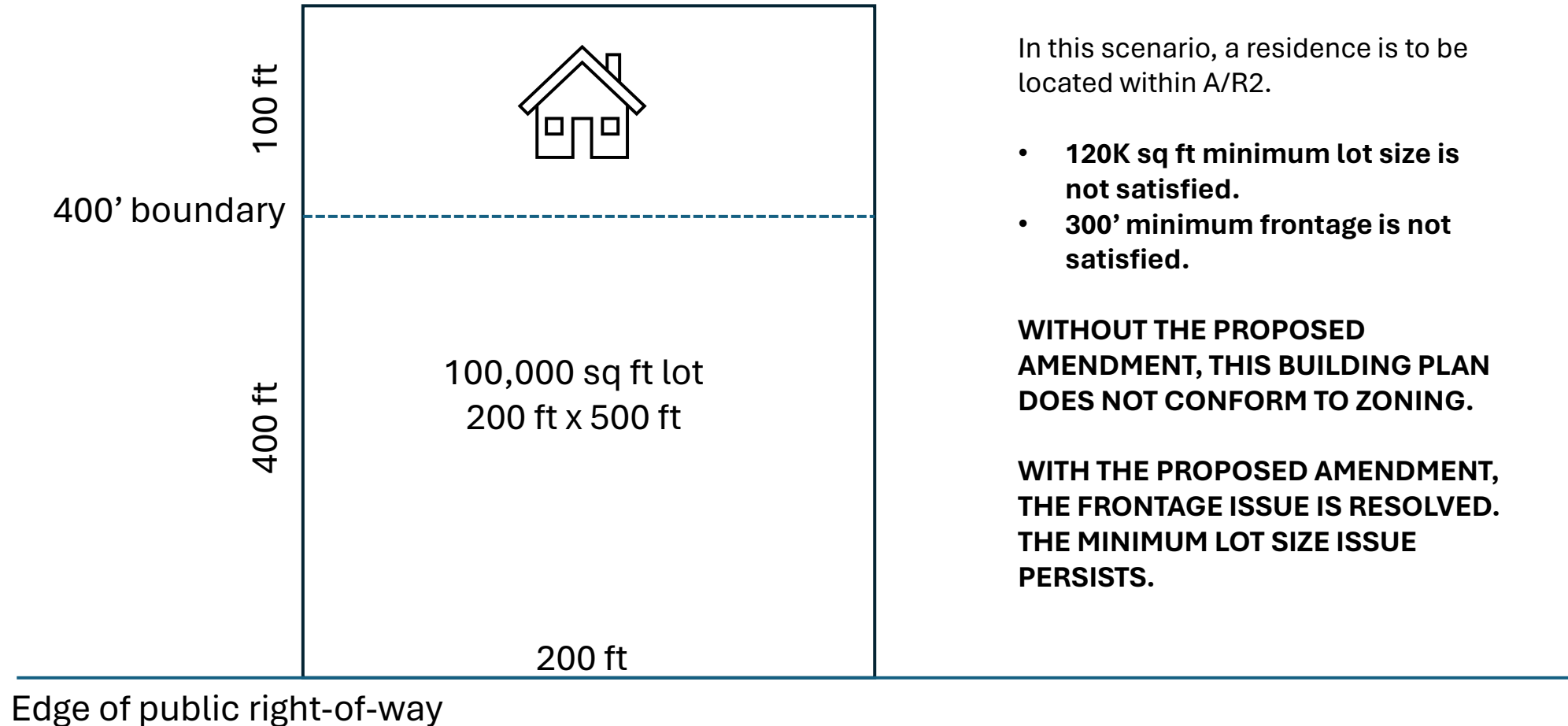
This scenario depicts a 100K sq ft lot in Whately not served by public water.

In this scenario, a residence is to be located within A/R1.

- 60K sq ft minimum lot size is satisfied.
- 200' minimum frontage is satisfied.

THIS BUILDING PLAN CONFORMS TO ZONING.

Scenario 2B: Lots without public water



This scenario depicts a 100K sq ft lot in Whately not served by public water.

In this scenario, a residence is to be located within A/R2.

- **120K sq ft minimum lot size is not satisfied.**
- **300' minimum frontage is not satisfied.**

WITHOUT THE PROPOSED AMENDMENT, THIS BUILDING PLAN DOES NOT CONFORM TO ZONING.

WITH THE PROPOSED AMENDMENT, THE FRONTAGE ISSUE IS RESOLVED. THE MINIMUM LOT SIZE ISSUE PERSISTS.

Summary

- The placement of structures within a lot determines which sets of zoning rules apply
 - Table of Use Regulations (Is the use allowed there?)
 - Table of Dimensional Requirements (Are all the minimums satisfied?)
- The proposed amendment solves frontage-related problems affecting certain lots, and clarifies how total area is calculated
- Certain other lots may fail minimum lot area requirements when a use is to be placed within the A/R2 portion of the lot

Definition:

Lot Frontage

The portion of a lot coinciding with a street line, providing both rights of access and potential vehicular access across the lot line to a potential building site. The street upon which the lot has frontage must be determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and the Whately Subdivision Regulations. The portion of a lot coinciding with a discontinued road or a road appearing only on paper does not constitute "frontage." Similarly, the portion of a lot coinciding with a road deemed by the Building Inspector, in consultation with the Planning Board, to be impassable does not provide "frontage." In determining whether or not a road is passable, the Building Inspector and the Planning Board shall consider such factors as: the condition of the road bed and the surface of the road, whether the road contains obstructions, whether the road is navigable by ordinary passenger vehicles, whether the road is navigable by emergency vehicles and other appropriate factors.

Definition:

WAY, ROAD or STREET

A public way; a way which the Town Clerk certifies is maintained and used as a public way; a way shown on an approved and endorsed subdivision plan in accordance with the Subdivision Control Law; or a way in existence at the time the Subdivision Control Law was adopted by the town. The way shall have, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic and utilities for the proposed use of the land abutting the way.