



**TOWN OF ACTON
DESIGN REVIEW BOARD
Memorandum**

July 7, 2021

To: Acton Select Board, Acton Planning Board, Acton Planning Department
From: Design Review Board

Re: Acton Zoning Bylaw Lot Width and Lot Area Discussion

BACKGROUND

As the Select and Planning Boards are aware, at the behest of both boards, the Design Review Board (DRB) has reviewed and continues to review development projects in Acton. During the last several years the DRB has become increasingly concerned about the contorted configurations of property boundaries of potential development parcels which in turn, have allowed supposedly legal minimal lot area calculations to be submitted to the Town for zoning approval of either residential compounds or subdivisions. It is the DRB's contention that the present Acton Zoning Bylaw is being manipulated in a manner by project proponents to create development parcels that were not intended to be so when the Acton Zoning Bylaw was formulated. In common parlance, the DRB contends that there are some gaping "loopholes" in the present zoning bylaws. The "loopholes" seem to be most prominent in the development of existing, oversized residential parcels being subdivided into potential multiple building lots exemplified most recently by the proposed subdivision of 47 Conant Street (Exhibit 1) and Fletcher Court (Exhibit 2). The DRB has undertaken some research into these issues. The purpose of this memorandum to provide a clear explanation of the issues for further discussion and hopefully, proposed Acton Zoning Bylaw adjustments.

RESEARCH METHODOLOGY

For the purposes of this research, Acton's Zoning Bylaw provisions have been compared with the "comparable towns" as listed in the Acton Housing Production Plan. Those towns include Andover, Bedford, Concord, Lexington, Sudbury, Wayland and Westford. For illustrative purposes, this discussion is confined to zoning parameters similar to Acton's R-2 zoning designation; i.e. residential lots of 20,000 SF.

ISSUES

There are two main zoning issues involved-**LOT WIDTH** and **LOT AREA**.

Issue #1. Acton has an extremely lenient requirement for a property's minimum LOT WIDTH:

LOT WIDTH is typically a minimum clear width dimension starting at the frontage of the property then extending to the front façade of the dwelling. Below is a summary of Acton's **LOT WIDTH** requirement compared to the "comparable towns":

Town	Lot Size	Frontage	Minimum Lot Width	Percentage of Lot Width/Frontage
Acton	20,000 SF	150	50	33.3%
Andover	15,000 SF	115	92	80%
	30,000 SF	150	120	80%
Bedford	25,000 SF	115	92	80%
Concord	20,000 SF	125	100	80%
Lexington	20,000 SF	125	100	80%
Sudbury			No Comparable	
Wayland	20,000 SF	120	75	62.5%
Westford	20,000 SF	50	100	200% (For Subdivisions)

Issue #2. Acton has no minimum lot dimensions, code language or controls for calculating LOT AREA:

LOT AREA is the area within a property's boundaries that determine its overall square footage. For instance, 20,000 SF is the minimum legal lot size to qualify as an R-2 zoning parcel. Under the Acton Zoning Code, a lot's boundaries can be mere feet (or even inches) apart. Other towns, such as Bedford or Concord have **LOT AREA** definitions that contain code language and/or explanatory diagrams that make such manipulative **LOT AREA** calculations impossible. The resultant being that **only reasonably-shaped lots can be created**.

SUMMARY

The combination of lenient **LOT WIDTH** dimensions and lack of a reasonable and rigorous **LOT AREA** calculation method is facilitating the creation of manipulated-shaped development lots which, in addition to creating virtually un-useable lots, have the potential in all likelihood, to lead to litigious outcomes for future property owners.

Using Exhibit 2 (Fletcher Court) as an example, a careful examination of the boundary lines of the 10 lots shown in this plan raises fundamental questions for developments of this kind, such as, but not limited to:

- With such grossly distorted lot shapes how can a future property owner even identify their lot boundaries?
- Using Lot #2 as an example, if a future owner wanted to install fencing along their lot boundary how would that even be possible or practical with such an impossibly narrow "sliver" of land that runs parallel to Lot #3?
- Using Lots #6 and #8 as examples, how would a future owner access the trapezoidal areas with heavy equipment and materials to say to install a pool, large garden or other property improvement to which they are entitled?

- Using Lot #3 as an example, what prevents this owner from easily and constantly trespassing onto the “sliver” of land created by Lot #2?
- Why create 20,000SF lots if portions of the property are virtually inaccessible or so distorted as to be un-useable for open space, recreation or other typical suburban uses?
- These manipulated property boundaries may currently meet the “letter of the law”; but do they meet the “spirit of the law” as intended in Acton’s Zoning Bylaw?
- When looking at the dispositions of the house locations on Lots #4, #6 and #7, how is Acton’s residential historical character (i.e. the relationship of a dwelling to its lot and the relationship of dwellings to adjacent dwellings) preserved, as called for in the Acton 2020 Master Plan, when this uncomfortable and inappropriate relationship between these houses is due solely to the creation of their bizarrely-shaped lot boundaries?
- How do these manipulated-shaped lots protect future owners from inadvertently suffering the consequences of Massachusetts’s 20-year adverse possession law?

The above questions are just a sample of the problems created by this type of zoning code manipulation. The DRB urges the SB, PB and Planning Department to thoroughly understand the issues outlined in this DRB memorandum and to develop a plan towards reasonable Acton Zoning Bylaw improvements. The DRB is ready and willing to assist in this effort.

Sincerely,

DRB

LEGEND:

- NP - NEW OR FORMERLY OWNED WRENS
- TL - TREE LINE
- UP - UTILITY POLE
- GP - GAS GATE
- GS - GAS SERVICE (BURIED)
- WT - WATER GATE
- DS - DRAIN MANHOLE
- SUD - SUB-SURFACE DRAIN LINE
- EC - EXISTING CONTOUR
- LC - LORING CONTOUR
- NE - NEARBY
- SP - SPOT ELEVATION
- CS - CORDOVO STONE WALL
- EP - EDGE OF PAVEMENT

UTILITY NOTE:

ALL UNDERGROUND UTILITIES SHOWN HERE WERE COMPILED ACCORDING TO AVAILABLE RECORD PLANS FROM VARIOUS COMPANIES AND PUBLIC AGENCIES AND ARE APPROXIMATE ONLY. DESIGN AND CONSTRUCTION MUST BE DETERMINED IN THE FIELD BEFORE GRAVING, PAVING AND CONSTRUCTION. NO RESPONSIBILITY IS ASSUMED FOR THE LOCATION OF ANY UTILITIES. THOSE IN CONTRACT OF UTILITIES NOT SHOWN ON THIS PLAN SEE CHAPTER STD. ACTS OF 1963 MASS. TO AVOID AS A RESULT OF UTILITIES LOCATED OR PLANNED OR LOCATED AND NOT SHOWN ON THIS PLAN. THE APPROPRIATE STATE, LOCAL AND PRIVATE PLANNING ENGINEERING DEPARTMENT MUST BE CONSULTED. DIS. SAFE TELEPHONE NO. 1-888-344-7233.

