

Buildable Area Calculation

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Issue Overview Some municipalities require that the minimum lot size requirement be met by a percentage of land that does not include wetland resource areas, steeply sloped land or easements. A subset of those municipalities requires that the buildable area be contiguous on the lot – called “contiguous buildable area” or “contiguous upland area.” Upland area is non-wetland area. It is much more common for municipalities to restrict the use of wetlands areas in meeting lot size requirements than sloped land or easements.

Research Coding The answer to this question can be found in a number of places in the zoning bylaw/ordinance, and sometimes in the subdivision regulations. The provisions are sometimes incorporated into the table of dimensional regulations or are listed as a footnote to the table. They sometimes appear in the definitions section of the bylaw, frequently under the definition of “lot area” and occasionally under “buildable area.” Some bylaws/ordinances list the restriction in the provisions for wetlands, floodplain or aquifer overlays, with a statement that only a portion of lot area requirements can be met by land in overlay zone.

Abington *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes According to the Town of Abington Zoning Bylaws, Article II, Section 175-4 (as found on ordinance.com), the definition of Lot Area is:
"LOT AREA - For all lots created after April 2, 2001, the horizontal area exclusive of any area in a street or recorded way open to public use. At least 50% of the area required to meet the minimum lot area requirement in the zoning district in which the lot is located must be contiguous as defined in this Bylaw and not part of a detention and/or retention basin or easement for drainage purposes, land under water, or land subject to flooding."

Acton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Easements are not excluded from minimum land area requirements. There is no mention in the bylaws on excluding wetlands or sloped land from the minimum land area requirements. So the researcher assumes that the answer is "NO".

From the Code of The Town of Acton
MIDDLESEX COUNTY, MASSACHUSETTS
ZONING BY-LAW
Amended through January 2001
SECTION 5 DIMENSIONAL REGULATIONS

5.2 Methods for Calculating Dimensional Requirements
The following shall apply:

5.2.1 LOT area - LOT area shall be determined by calculating the area within a LOT including any area within the LOT over which easements have been granted, provided that no area within a STREET shall be included in determining minimum LOT area.

In response to the question "Does the zoning bylaw or ordinance require minimum Contiguous Buildable Areas (CBA)?", Kristin Alexander wrote:

"Only for hammerhead lots. A hammerhead lot must contain a "dwelling location square" (contiguous buildable area). The size of the square varies from a side dimension of 150' to a side dimension of 200' (depending on the zoning district)."

Amesbury *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes "Lot, Area: An area or parcel of land or any part thereof, not including water area or areas below seasonal mean high water (as defined by a study of all relevant federal, state, and local data), in common ownership, designated on a plan filed with the administrator of this Bylaw by its owner or owners as a separate lot and having boundaries identical with those recorded in the Essex County Registry of Deeds."

Amesbury Zoning Bylaw and Map, Adopted April 12, 1971 with Revisions Through October 14, 2003. Definitions.

Andover *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Code of the Town of Andover Massachusetts, Part II, Article VIII, Section 10 (as amended 2003):

"LOT AREA: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. One hundred percent (100%) of the lot area required for zoning compliance shall be contiguous land other than land located within a line identified as the wetland margin as shown on maps entitled "Wetland Areas of Andover, MA" and subsequent revisions as approved by the Andover Conservation Commission. The ninety percent (90%) contiguous upland regulation shall continue to apply to a lot in existence prior to the effective date of this by-law."

Code of the Town of Andover Massachusetts, Part II, Article VIII, Section 4.1.4(f)(as amended 2003):

"All areas with natural slopes exceeding twenty-five percent (25%) over a horizontal distance of thirty feet as measured perpendicular to the contour on a tract or parcel of land intended or proposed for subdivision or development, or on a lot intended for building purposes, shall be excluded from the calculation of the minimum lot area required for the applicable zoning district."

Arlington *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Laura Weiner, Arlington Planner, confirmed that Arlington does not exclude wetlands, easements or sloped land from minimum land area requirements.

Ashland *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Ashland Town Bylaws, Chapter 282, Zoning Bylaw, Section 282-99: "LOT AREA The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least ninety percent (90%) of the lot area required for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, other than any marsh, swamp or flat bordering on inland waters and other than land within utility transmission easements."

Attleboro *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Lot: An area or parcel of land or any part thereof, including an internal pond wholly on the lot, designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Bristol County Registry of Deeds.

Lot, Corner: A lot at the point of intersection of an abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in case of a curved street, extended street lot lines, being not more than one hundred and thirty-five (35°) degrees.

Lot Frontage: The horizontal distance measured along the street lot line between the points of intersection of the side lot lines with the street lot line.

Lot Line, Rear, Side: Any lot boundary that is not a street line.

Lot Line, Street: The boundary line of a lot separating the lot from the adjacent street as defined by plan or deed.

Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

Lot, Width: The horizontal distance from lot line to lot line measured parallel to the street lot line at the minimum frontyard depth required by this ordinance, provided that the distance between side lot lines or a side lot line and the opposite street lot line is not less than the minimum required lot frontage at any point within the required front-yard depth.

Auburn

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

"5.2.1 Lot Area – Lot area shall be determined by calculating the area within a lot including any area within the lot over which easements have been granted, provided that no area within a street shall be included in determining the minimum lot area."

- Auburn Zoning By-law. As amended through August, 2004.

Avon

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Answer confirmed in phone conversation 6/25/04 with Mr. Comeau.

6-2 Restriction, Land Area

The land and yard spaces required for any new building or use shall not include any land or area required by any other building or use to fulfill Avon Zoning requirements.

Ayer

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

"LOT : A parcel of land occupied or capable of being legally occupied by one building and the accessory buildings or uses customarily incidental to it. At least 9,000 square feet of every such parcel laid out for residential use shall be land exclusive of any wetland as defined in Massachusetts General Laws Chapter 131, Section 40."

- Land Use Ordinance of Ayer, 1973 (as amended), Definitions.

Bedford

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Bedford Zoning Bylaw, Section 6.2 (from ordinance.com, updated 2002)

6.2.1 Lot Area

Lot area shall be determined by an area within a lot, including any area within said lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. Any area of any lot more than 500 feet from the lot frontage shall not be used to satisfy any of the minimum lot area. In addition, the Flood Plain/Wetland district area of any lot shall not be used to satisfy more than thirty-five percent (35%) of the minimum lot area.

6.2.2 Minimum Lot Area

When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet.

Easements can be included in minimum lot area calculations. However, wetlands can only satisfy up to 35% of the lot area requirements. Researcher did not find any mention of sloped area.

Note: the bylaw does specify that area further than 500 feet from the frontage does not count for lot area requirements, and parts of the lot that are narrow protrusions also do not count.

Bellingham *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Section V - Definitions
Lot Area
The horizontal area of the lot exclusive of any area in a street or way open to public use. At least 90% of the lot area necessary for compliance with minimum lot area requirements shall also be exclusive of areas subject to protection under the Wetlands Protection Act, Section 40, Chapter 131, G.L. for reasons other than being subject to flooding. If the distance between any two points on lot lines is less than 50 feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two points are separated by less than 150 feet measured along lot lines.

Code of By-Laws, Division II Zoning
<http://www.bellinghamma.org/townclerkbylzo.htm>
(Revised by Town Clerk 09/2002)

Belmont *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Belmont Zoning Bylaws, Section 1.4 (January 20, 2004)

Lot Area - The horizontal area of a lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for compliance shall also be exclusive of areas subject to protection under the Wetlands Protection Act, Section 40, Chapter 131, Massachusetts General Law, for reasons other than being subject to flooding. If the distance between any two points on lot lines is less than 50 feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two points are separated by less than 150 feet measured along lot lines.

There is a diagram in the bylaws showing the calculation of lot area.

Berkley *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes

SECTION 3. USE REGULATIONS

a. One and One-Half Acre Lots. The following uses may be located on a lot at least one and a half acres (65,340 square feet) in area, meeting the dimensional requirements of section 4 hereof; single family dwellings, religious facilities, agriculture, parks, home occupations including day care for not over ten children. Not more than one principal permitted building, or use, together with its accessory buildings and uses, may be located on any lot. At least 30,000 sq. ft. of which must be contiguous land and must not be subject to wetlands classification, as defined by Massachusetts General Laws, Chapter 131.

b. Two Acre Lots. The following uses may be located on a lot at least two acres (87,120 square feet this in area, meeting the relevant dimensional requirements of Section 4 hereof; offices and studies in the home of a resident professional, such as a physician, engineer, consultant or artist; children's camps; municipal and governmental facilities and uses and public educational institutions; provided that not more than one principal permitted building, together with its accessory buildings and uses, may be located on any lot.

Berlin

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Beverly

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Defintion of lot from ordinance.com:

33. LOT : A parcel of land in identical ownership throughout of at least sufficient size to meet the minimum requirements of this Ordinance for use, frontage, coverage, and area and to provide required yards and other open space. The area of a lot is that area, in square feet or acres, enclosed by the lot lines of a single lot. In calculating the area of a LOT for purposes of determining such LOT's conformance with the minimum requirements of the zoning ordinance, no portion of such LOT shall be included which:

(i) is subject to an easement or right-of-way that is recorded (or shown on a plan that is recorded or to be recorded) and that serves property outside the LOT, or

(ii) is subject to a restriction that by its terms prevents or prohibits the owner of such lot from making any substantial use of that portion of the LOT; but (i) and (ii) above shall not apply to easements or restrictions that are for utility or conservation purposes or that are held by or generally open to governmental agencies or the public.

a. LOT, CORNER: a lot with frontage on two or more streets at their intersection, where the interior angle of the intersection is less than one hundred and thirty (130) degrees.

b. LOT WIDTH: see frontage definition in this section.

In calculating the area of a lot created after the effective date of adoption of this amendment (7/15/96), no more than twenty percent (20%) of that portion of a lot classifiable as wetlands under the provisions of M.G.L. Chapter 131 Section 40 as amended, shall be included in the calculation of a lot's area for purposes of determining conformance with zoning".

Billerica

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

From ordinance.com:

SECTION 7. DIMENSIONAL REGULATIONS
B. IN GENERAL

1. In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts, even if the

owner of the lot also has title to such street.

2. If a corner lot has its corner bounded by a curved line connecting other bounding lines which, if extended, would intersect, the area and frontage shall be computed as if such bounding lines were so extended.

3. When determining compliance with the minimum lot area requirements in all zoning districts, except the Multi-Family Residence District, Townhouse Overlay District, and Elderly Housing Overlay District, no less than 50% of the minimum lot area shall be free of bordering vegetative wetlands as defined by M.G.L., Ch. 131, § 40. Such non-wetland area shall be contiguous.

**Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 10/2/01.

4. [...]

5. [...]

6. In the case of an easement for high tension power lines or gas transmission lines, the area of such easements shall be added to the minimum lot sizes for a lot, as specified in this Zoning By-law. The boundary of the easement for high tension power lines or gas transmission lines shall be considered a property line when determining yards under this Zoning By-law. All buildings, structures, and uses shall be set back a minimum of 15 feet or the required setback, whichever is greater, from all such easements.

Defintions:

AREA, LOT : Square footage within a lot.

**Webmasters Not: The previous definition has been amended as per an ordinance approved at a town meeting held on 10/2/01.

LOT : An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or structures or for any other definite use.

- Corner Lot:

A.lot bounded by more than one street which has an interior angle of 135 degrees or less ford by the tangents or straight segments of the street lines where they intersect. Both lot lines on the intersecting streets shall be front lot lines.

- Interior Lot:

A.lot that has no street frontage.

- Through Lot:

A.lot bounded by two streets that are not connected. The frontage on both streets shall be front lot lines.

Blackstone *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Section.123-12. Intensity of use regulations.

...

H. Lot shape. No lot shall be created so as to be so irregularly shaped or extended that it has a "shape factor" in excess of thirty (30) for any lot having area in excess of 80,000 square feet, or in excess of twenty-two (22) for any other lot. The shape factor equals the square of lot perimeter divided by the lot area (before deduction for wetland, etc.). That portion of the lot in excess of the required lot area may be excluded from the computation of the shape factor using an imaginary lot line, provided that the entire required frontage is included in the portion used for calculation. [Added by 4-25-88 ATM, Art. 34; Amended 5-28-96 ATM, Art. 24]

ARTICLE V Definitions and Word Usage

Section 123-24. Definitions and word usage.

LOT AREA : The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least ninety percent (90%) of the lot area required for compliance shall also be exclusive of areas subject to protection under the Wetlands Protection Act, MGL C. 131 40 for reasons other than being subject to flooding, and exclusive of areas included within easements for surface drainage elements, such as retention or detention ponds. If the distance between any two points on lot line is less than fifty (50) feet, as measured in a straight line, the smaller portion of the lot as divided by that line

shall not be included in lot area unless the two (2) points are separated by less than one hundred fifty (150) feet measured along lot lines. [Amended 4-25-88 ATM, Art. 34]

Zoning Bylaw for Town of Blackstone, MA (last updated 5/28/2002) at: www.ordinance.com

Bolton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No 2.5.4 Water Resource Protection District
2.5.4.5 Lot Area
Except as otherwise provided in the Zoning Bylaw, the portion of any lot within the area of the Water Resource Protection District may be used to meet the area requirements of the Town of Bolton Bylaws.

Lot Area - the horizontal area of the lot exclusive of any area in a street or recorded way open to public use within the Town of Bolton. The minimum lot area for permitted uses within the Town of Bolton must be met by contiguous horizontal area within the Town of Bolton. However, see exception in Note B of Section 2.3.5.2.

Note B. The definition of Lot Area set forth in Section 2.6, Definitions, shall apply, except that, in Limited Business Zones only, when a landowner has donated to the Town an easement in, or the Town has taken or purchased an easement in, any portion of a tract of land and said easement has been accepted by the Town for the relocation of an already existing public way, said portion of the tract of land shall be included in the calculation of the lot area of the tract for purposes of this bylaw, subject to the following requirements: the easement area is no greater than five (5) percent of the size of the tract; the tract remains the same dimensionally, and is not subdivided, divided, altered, or changed in any way; the boundary lines of said easement shall be considered lot lines for purposes of any setback measurements so that the easement area is not included in any calculations of setback requirements; and any use or structure complies with all other requirements of this bylaw.

2.3.5.5 Backland Zoning

In Residential Districts backland or reduced frontage lots may be created by Special Permit issued by the Planning Board. Each such lot must meet the following criteria:...

- (g) At least 1 1/2 acres of contiguous land which is not in a:
 - (1) Flood Plain District (Section 2.5.3)
 - (2) Water Resource Protection District (Section 2.5.4)

Researcher obtained information from: Town of Bolton Bylaws, May 2004 at:
http://www.townofbolton.com/pages/BoltonMA_Clerk/Bolton%20Bylaws%20May%202004%20web.pdf
2.6

Boxborough *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Boxborough Zoning Bylaw (Adopted 1965, Amended 2004)
Article II, 2310

Upland Lot Area shall mean the contiguous area of the lot exclusive of (1) all wetlands as defined by the Wetlands Protection Act (G.L. ch 131 s. 40) and the Boxborough Wetlands By-Law; (2) the 100 foot wetlands buffer zone as defined in the Boxborough Wetlands By-Law; (3) land in the W-District as defined in this By-Law; and (4) land within 100 feet of the W-District boundary.
Minimum upland lot area

sq. ft. x 1000
AR 20
R1 20
B 20
B1 20
OP --
TC 20
IC --

Minimum upland lot area
% of total lot area
AR --
R1 --
B --
B1 --
OP 20%
TC --
IC 20%

Maximum lot coverage (%) by buildings, structures, and impervious surfaces

AR --
R1 --
B 50
B1 50
OP 30
TC 35
IC 30

From definitions:

Lot Area shall mean the horizontal area of the lot exclusive of any area in a street, way, road, or in a surface drainage easement. The surface drainage easement exclusion shall only apply to lots created after May 11, 1998.

Boxford

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

From ordinance.com:

ARTICLE VI Development Regulations
Section 196-24. Area, frontage and yard regulations.
B. Lot area. (Lot as defined in Article VIII.)

(3) Computation of lot area.

(a) In computing the area of any lot, no part of a public or private way, except a common driveway or other easement for nonmotorized recreational use, and no part of a pond or river shall be included. [Amended 5-14-1986 ATM, Art. 35]

(b) Every lot laid out for residential use shall have at least one acre of contiguous legally buildable area of naturally occurring land with soils not subject to flooding as defined in 310 Code of Massachusetts Regulation 10.57, and sufficiently dry to permit installation and use of facilities for disposal of sanitary waste. [Amended 5-11-1983 ATM, Art. 38; 5-15-1985 ATM, Art. 25; 5-2-1987 ATM, Art. 43; 5-18-1988 ATM, Art. 54]

(c) In any lot created after the adoption of this amendment, no land which is part of a Wetland Resource Area as specified in 310 CMR 10.02 (1)(a) subject to protection under the Massachusetts Wetlands Protection Act, MGL, c. 131, Section 40, nor any land within 75 feet of such Wetland Resource Area may be counted towards the contiguous buildable area. [Added 5-10-1995 ATM, Art. 38]

Since the minimum lot area shall not be less than 2 acres and the contiguous buildable area must be 1 acre, the researcher concludes that there is a 50% contiguous buildable area requirement.

Boylston *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Braintree *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Peter Loppola, Director of Planning and Conservation, confirmed that Braintree does not do this.

From ordinance.com:

LOT AREA The total area within the perimeter of a lot, excluding any street or way.

Bridgewater *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Bridgewater Zoning Bylaw

8.50 Any land used to satisfy the minimum area requirements for a buildable lot must consist of either fifty percent non-wetlands (upland) as defined by the Wetlands Protection Act, Section 40 of Chapter 131, M. G. L. or ten thousand square feet of upland, whichever is greater. The minimum area of non-wetland shall comprise a contiguous portion of the lot where any principal building for the site shall be located, A qualified botanist must delineate and flag the wetland on the lot. The wetland line, square footage of upland and total area of the lot must be indicated on the plan submitted for a building permit. Voted November 14, 1988

Brockton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes The Land Use Ordinance of Brockton (City)
PLYMOUTH COUNTY, MASSACHUSETTS
APPENDIX C ZONING
Brockton Zoning Ordinance

ARTICLE IV PERMITTED USES

Sec. 27-36. Miscellaneous uses; conversions

Floodplain, Watershed and Wetlands Protection Zone (subject to the provisions of section 27-3).

1. Principal permitted uses:

- a. Conservation of water, plants and wildlife.
- b. Legally permitted outdoor recreation not requiring development or landscape alteration in conflict with the purposes of this zone.
- c. Grazing, forestry and other forms of agriculture consistent with the purposes of the zone.
- d. Using land in the district to meet up to sixty (60) per cent of the lot area requirements for . uses allowed in the underlying zone. The actual development must be confined to the portion of the site (a minimum of forty (40) per cent of the total required area) which is outside the floodplain, watershed and wetlands protection district. Thus, in the R-1B thirty thousand (30,000) square foot zone a house may be built on a lot which is partly within the district so long as twelve thousand (12,000) square feet (i.e., forty (40) per cent of thirty thousand (30,000) square feet) is outside the district,

and the house and related facilities are on that portion of the lot.

Brookline *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No LOT AREA : The horizontal area of the lot exclusive of:

- (1) any area in a public or private way open to public uses, and
- (2) any water area more than 10 feet from the shoreline.

Burlington *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes The Zoning Bylaws of the Town of Burlington, Section 6.6.1 (c)(Adopted 1977, Amended 2003).

SECTION 6.6.0 LOT INTERPRETATION AND RESTRICTIONS

6.6.1 Determination of Area and Frontage

(a) The lot area shall include the horizontal area located within the lot lines, with the following exceptions.

(b) In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts even if the fee to such street is in the same ownership as the lot, except that if a corner lot has its corner bounded by a curved line connecting other bounding lines, which if extended, would intersect, then area and frontage shall be computed as if such bounding lines were so extended.

(c) Land which is determined by the Burlington Conservation Commission to be wetlands subject to protection as defined by the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40 or as subsequently determined in a superseding Determination of Applicability shall not be included in determining lot area. More particularly, wetlands shall include land under a watercourse, pond or lake, banks bordering on such water bodies, bordering vegetated wetland areas, and marsh and swamp areas but shall not include land subject to flooding.

Notwithstanding the foregoing, land which is determined to be wetlands shall be included as part of the lot area for the purposes of determining how much of the lot must be kept open and landscaped under Section 8.3.5.5, "Impervious Surfaces (in the Aquifer and Water Resource Districts)."

Further, wetlands that are kept in an open and natural state shall be counted as part of the lot kept open and landscaped in satisfaction of the requirements of Section 8.3.5.5.

(d) Any lot in existence or contained in a subdivision filed prior to the effective date of this amendment and subsequently approved shall remain conforming with respect to minimum lot area notwithstanding the provisions of 6.6.1(c).

The lot must be larger when it is significantly sloped:

The Zoning Bylaws of the Town of Burlington, Section 6.6.5 (b) (Adopted 1977, Amended 2003)

(b) Where the ground slope is ten (10%) percent or less, the minimum lot area in One Family Dwelling (RO) Districts shall be twenty thousand square feet. Where the average ground slope is more than ten (10%) percent, the minimum lot size shall be increased by one thousand additional square feet for each additional one percentage of slope, to a maximum of forty-five thousand square feet.

Slope shall be measured to the nearest tenth of a percent. Minimum lot size shall be calculated as follows:

Minimum lot size = 20,000 sq. ft. + 1,000 sq. ft. x (n-10.0), where n is the percentage of slope for the lot, rounded to the nearest one tenth of a percent.

Defintion of lot from ordinance.com:

2.41 LOT A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one (1) ownership and not divided by a street, not including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot. Land determined to be wetlands shall not be included as part of the lot for purposes of determining the lot area. A lot for the purpose of this Bylaw may or may not coincide with a lot of record.

Cambridge *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Canton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Zoning Bylaw Town of Canton, Section 4.21 (Adopted 1998, Amended 2003)

4.2 Open Space Requirements 86

4.21 Lot Area and Width in Residential Districts87

In all Residential District, no building except a one-story building of accessory use, shall be constructed on lot having less area than the "Required Lot Area" or having less width, measured through that part of the building where the lot is narrowest, than the "Required Lot Width Through Building", or having less area than the "Minimum Required Non-Wetland Area" specified in the following table for the district in which said lot is located, and not more than one building constructed as a dwelling, or so used, shall be located on each such lot except that an apartment house may, subject to the conditions of a special permit, be authorized to consist of more than one building on a lot.

Lot Width Minimum Required

Lot Area Through Non-Wetland

District Required Required Building Area

Single Residence AA 45,000 sq. ft. 200 ft. 20,000 sq. ft.

Single Residence A 30,000 sq. ft. 150 ft. 15,000 sq. ft.

Single Residence B 15,000 sq. ft. 115 ft. 10,000 sq. ft.

Single Residence C 10,000 sq. ft. 100 ft. 7,500 sq. ft.

General Residence 10,000 sq. ft. 100 ft. 7,500 sq. ft.

In computing the "Non-Wetland Area" required for a Residential Lot, no portion of any brook, creek, stream, river, pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40, nor any portion of a way or street, as defined by the By-law may be included in the minimum required Non-Wetland Area.

LOT : A single parcel of land held in identical ownership throughout, and defined by metes, bounds or boundary lines in a recorded deed or on a recorded plan.

Carlisle *Are there restrictions on counting wetlands, sloped land or easements in lot size*

calculations?

No

Carver Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes Town of Carver Zoning Bylaws (Adopted 1963, Revised 2003)

Footnotes #4 and #5 under Minimum Lot Area:
Zoning Bylaw Town of Carver ARTICLE II. USE, DIMENSIONAL, AND TIMING REGULATIONS.
2300. DIMENSIONAL REQUIREMENTS.
2320. Table of Dimensional Requirements.
4. At least 70% of the minimum lot size shall be dry land; i.e., not taken up in streams, bogs, wetland and/or flood plain.
5. Portions of the lot less than 40 feet in width shall not be counted as any part of the minimum lot size.

Chelmsford Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes "LOT AREA -- The horizontal area of the lot, exclusive of any area in a street or recorded way open to public use. At least 80% of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh or other wetland, as defined in MGL c. 131, ~ 40, as amended. When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet. See accompanying diagram below."

The Land Use Ordinance of Chelmsford
MIDDLESEX COUNTY, MASSACHUSETTS
Chapter 195 ZONING
[HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 10-22-1998 by Arts. 22 to 26. Amendments noted where applicable.]

ARTICLE XX Terminology
Section 195-108. Word usage and definitions.

LOT AREA - The horizontal area of the lot, exclusive of any area in a street or recorded way open to public use. At least 30% of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh or other wetland, as defined in MGL c. 0 1, Section 40, as amended. When the distance between measured a straight line, the smaller any two points on lot lines is less than 50 feet, portion of the lot which is bounded by such straight line shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet. See accompanying diagram below.

ARTICLE VIII Environmental Protection Standards

Section 195-40. Erosion control.

Site design, materials and construction processes shall be designed to avoid erosion damage, sedimentation or uncontrolled surface water runoff by conformance with the following:

A. Grading or construction which will result in final slopes of 15% or greater on 50% or more of the lot area or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.

Chelsea Are there restrictions on counting wetlands, sloped land or easements in lot size

calculations?

No LOT : An area or parcel of land or any part thereof in individual, joint, or common ownership, or in ownership by the entirety, which is designated on a plan as a separate lot and which has boundaries identical with those on a plan recorded in the Suffolk County Registry of Deeds.

Clinton Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes Town of Clinton Zoning Bylaws (Amended 2001)

4200. SPECIAL DIMENSIONAL REGULATIONS

4230. Lot Area Computation The horizontal area of the lot exclusive of any area in a street or recorded way open to public use At least 90% of the lot area required for zoning compliance shall be land other than that under water nine months or more in a normal year, and other than any wetland, marsh, swamp, or flat bordering on inland waters

Building Inspector Pete Pender added that private ways can't be counted toward minimum land requirements (although they can count for frontage).

Cohasset Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes Town of Cohasset Zoning Bylaw, Section 5.4.7 (Adopted 1978, Last Amended 2003).

"7. In determining the maximum coverage as set forth in the Table of Area Regulations, only that portion of the lot that may be dedicated to allowable uses shall be used in making that calculation. Not more than fifty percent (50%) of wetlands, water areas, and slopes greater than forty-five (45) degrees shall be used in determining maximum coverage. The maximum permitted coverage shall include, but not be limited to, all access roads and parking areas including reserve parking. 4-6-91 Art. 50"

SECTION 9 SPECIAL FLOOD PLAIN AND WATERSHED PROTECTION DISTRICT

9.10 LOT AREA REQUIREMENTS

Where any portion of a lot lies within the Flood Plain and Watershed Protection District, that portion may be used to satisfy the area and frontage requirements for the district in which the lot is situated provided; however, (a) that areas greater than five (5) feet in breadth which are covered by water or subject to tidal flow shall not be included to satisfy said area or frontage requirements, and (b) that areas covered by water in any part of a year shall not comprise more than fifteen (15) percent of the required lot area.

Concord Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes From ordinance.com:

6.2 Interpretation

For purposes of interpretation the following shall apply:

6.2.1 Lot area. In determining lot area, no part thereof within the street lines or within a private way or right-of-way for travel by motor vehicles shall be included. Street lines shall determine lot boundaries.

6.2.2 Minimum lot area:

6.2.2.1 When computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with Chapter 41 of the General Laws, after September 1, 1991, not more than fifty (50) percent shall be provided by land located within the Flood Plain Conservancy District and Wetlands Conservancy District.

6.2.2.2 When the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two (2) points is less than one hundred fifty (150) feet.

Danvers *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No LOT AREA : That land enclosed by the lot lines.

Dedham *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes From ordinance.com:

LOT : An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as the site of one or more buildings or for any other purpose.

LOT AREA : The horizontal area of a lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, or wetland as defined in G.L. c. 131, s. 40.

Dighton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes "LOT AREA : The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least a piece of land of 30,000 square feet for the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in §40, Chapter 131, G.L., as amended. No pork chop, rat tail, or excessively funnel-shaped or otherwise unusually gerrymander lots shall be allowed if their shape is caused solely by the attempt to meet lot size or frontage requirements of these by-laws while evading the by-law's intent to regulate building site density: such a lot being, for example, a pork chop or rat tail lot which does not contain a squared building area which is at least 100' by 100'."

From the Town of Dighton's Zoning Bylaw, Section VI

Douglas *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Town of Douglas Zoning Bylaw (Adopted 2004)

Lot: A continuous parcel of land with legally definable boundaries.

Lot area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use.

Dover

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

According to the Code of the Town of Dover, Part III, Chapter 185, Article V, Section 185-18:

" Lot area computation.

- A. No part of a public or private way and no part of a river, pond or other body of water shall be included in computing the area of any lot.
 - B. In computing the area of any lot, no more than 25% of such area shall be located in the Conservancy District."
-

Dracut

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Dracut Zoning Bylaw

2.12.20 Minimum Land Area

In any district the following areas may not be considered in computing minimum lot sizes.

2.12.21 Seventy (70) percent of land shown within a lot and identified by the Dracut Conservation Commission as a wet land resource area pursuant to M.G.L. Chapter 131 section 40 and/or the Dracut Wetland By-law. This section shall supersede any contrary provision contained in this By-law.

2.12.22 Land classified as floodway as determined by the U.S. Department of Housing and Urban Development, Federal Emergency Management Agency and depicted on the "Floodway Boundary Maps" prepared for the Town of Dracut by said Agency dated July 2, 1980.

Dunstable

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

"11.3.1. In computing the area of any lot, no part of a public road or way, or other way used in the manner thereof, provided that this exclusion shall not include driveways, and no part of a pond or stream shall be included. In addition, at least forty thousand (40,000) contiguous square feet of every lot laid out for residential use shall be land exclusive of wetland area subject to the protection under either the Dunstable General Wetlands By-Law or Massachusetts General Laws, Chapter 131, Section 40, (the "Wetlands Protection Act"). In addition, each lot shall be capable of containing a 150 foot diameter circle within which there is not wetland subject to protection under the Dunstable General Wetlands By-Law or Massachusetts General Law, Chapter 131, Section 40, (the "Wetlands Protection Act"), and within which any principal building shall be located."

- Dunstable zoning bylaws, Development Rules and Regulations for All Districts. October 2004 Edition.

"20.11 LAND UNSUITABLE FOR DEVELOPMENT The following land shall be defined as land unsuitable for development:

- a. Wetlands as defined in the Dunstable General Wetlands Bylaw and Chapter 131, Section 40A of the Massachusetts General Laws and the rules and regulations adopted thereunder, all as amended;
 - b. Land located within any Zone A as shown on the most recent FEMA Flood Insurance rate Maps."
- Source: Dunstable zoning bylaws, October 2004 Edition, as viewed on ordinance.com

11.3.2. It is the intent of this bylaw to prohibit the use of long, narrow strands of land not part of the substantial body of a lot as a means for satisfying minimum area requirements. Therefore, when any portion of a lot is defined by parallel lines, or irregular lines that generally oppose one another, such that the mean distance between points on the lines is less than fifty (50') feet, the land lying within such lines shall be excluded in the computation of minimum lot area; furthermore, in the event that such sections of lot lines connect separate portions of a lot in a dumbbell configuration, the smaller of the connected sections shall also be excluded; provided that these exclusions shall not be applicable to lots on which the aggregate linear distance along such sections of width less than fifty (50') is less than one hundred fifty (150') feet. This subsection is subject to the additional provisions of subsection 6.3.(a).

Duxbury

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Duxbury, MA Zoning ByLaws March 2003

Definitions:

Lot

A parcel of land used or set aside and available for use as the site of one or more buildings and structures accessory thereto or for any other definite purpose, in one ownership and not divided by a street, not including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot.

Lot Area

The horizontal and contiguous area of the lot exclusive of any area in a public or private way open to public uses. Land under any waterbody, bog, swamp, wet meadow or marsh, as defined in G. L. c. 131 sec. 40, and as determined by the Conservation Commission, and/or land within the Wetlands Protection Overlay Printed August 10, 2004 9

District, and/or land within any overhead easement, the purpose for which is the transmission of high voltage electricity, shall not be included in the horizontal and contiguous portion of the lot area required for zoning compliance. If the distance between any two points on lot lines is less than fifty feet, measured in a straight line, the smaller portion of the lot, as divided by that line, shall not be included in lot area nor shall any portion of its perimeter be counted toward meeting the frontage requirements unless the two points are separated by less than 150 feet measured along the line. See drawing Section 300.

410.4 Residential Compatibility District Intensity, Dimensional and Coverage Regulations

No building or structure shall be located, constructed, changed, enlarged or permitted and no use of premises in Residential Compatibility District shall be permitted except in conformity to the intensity and dimensional regulations as set forth herein. If a lot is determined by the rules of Section 406.4 to be within an Aquifer Protection Overlay District, then the more restrictive regulations of Section 406 Aquifer Protection Overlay District shall prevail.

Lot Size/Lot Frontage – In a Residential Compatibility District no dwelling shall be erected on a lot unless such lot has an area of 40,000 square feet or more of upland and shall have a frontage measurement on a way equal to or greater than 200 feet. Frontage cannot accrue from a limited access highway.

Lot Area – The horizontal and contiguous area of the lot exclusive of any area in a public or private way open to the public uses. Land under any waterbody, bog, swamp, wet meadow or marsh, as defined in G. L. c. 131 sec. 40, and/or land within the Wetlands Protection Overlay District and/or land within any overhead easement the purpose for which is the transmission of high voltage electricity, shall not be included in the horizontal and contiguous portion of the lot area required for zoning compliance. If the distance between any two points on lot lines is less than fifty feet, measured in a straight line, the smaller portion of the lot, as divided by that line, shall not be included in lot area unless the two points are separated by less than 150 feet along lot line. (See drawing in section 300.)

Lot Shape – The following shall apply to all lots for residential use except those created under special permits, such as created in planned development and Residential Conservation Cluster Developments.

1. Lot width shall be at least one-hundred sixty feet at the required setback line, to the way. (1987)
2. The lot shall contain at least forty-five hundred square feet between the required setback line and the right-of-way line from which the lot takes its frontage.
3. Each single-family dwelling shall be located on a lot containing an imaginary circle one-hundred and fifty feet in diameter within its lot lines. (1987)

East Bridge *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes From ordinance.com, Section 5, M (Floodplain and Wetlands Protection District), 3.

(3). The portion of any lot in a Flood Plain and Wetlands District may be used to meet the lot area requirements for the Residence Districts over which the Flood Plain and Wetlands Protection District is superimposed, provided that such portion in the Flood Plain and Wetlands Protection District does not exceed fifty (50) percent of the minimum lot area in that Residence District. Land in the Flood Plain and Wetlands Protection District may not be used to meet lot area requirements in Business and Industrial Districts.

Easton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Easton Zoning Bylaw, Section II Definitions(adopted 1967):

"LOT An uninterrupted contiguous tract of land excluding streams, ponds, wetlands as defined in Chapter 227 (Wetlands Protection), Code of the Town of Easton and Chapter 131, Sec. 40 of the Massachusetts General Laws, flood plain, and detention/retention basins, held in the same ownership throughout, and defined by bounds or lot lines ascertainable by recorded deed or plan."

Essex *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes The Land Use Ordinance of Essex
ESSEX COUNTY, MASSACHUSETTS
Zoning by-laws of the Town of Essex

6-3 DEFINITIONS.

6-3.1 GENERAL.

6-3.23 LOT. For purposes of this chapter, a lot is a registered or recorded parcel of land of at least sufficient size to meet minimum land-use requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a way or a street. In computing the area of a lot for the purposes of dimensional requirements set forth in Section 6-6, tidal marshlands and wetlands, as defined by Chapter 131, Section 40 of the MGL Wetlands Protection Act, as "bogs", "coastal wetlands", "freshwater wetlands", "swamps", "wet meadows", and "marshes", shall be excluded. Delineation of wetlands and tidal marshlands is required on all plans submitted for review, and shall be drawn and certified by a professional engineer of land surveyor. (Amended ATM 5/1/00, approved 12/18/00)

Everett *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Foxboroug *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No 26. LOT : An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more structures or for any other definitive purpose.

27. LOT AREA : The horizontal area of a lot, not including any area in a public or private street open for public use.

28. LOT COVERAGE : That percentage equal to the area of a lot covered by man-made materials such as structures, asphalt and concrete divided by the total lot area.

29. LOT LINE : A line dividing one lot from another, or from a street.

Framingha *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Framingham
Zoning By-Laws (Last updated 3/17/2003)

IV. SPECIAL REGULATIONS

G. Dimensional Regulations

3. Lot Area Regulations

d. Uplands Area Requirement

For the purpose of this Section, any lot laid out to be a buildable lot must contain upland area totaling at least 100 percent of the minimum lot area requirement for the zoning district in which the land is situated. In addition, a minimum of 70 percent of the required minimum lot area must be contiguous upland area, and shall be the location for the principal structure on the lot. Portions of a lot excluded from the computation of a minimum lot area, as provided under subsections IV.G.3.c., above, shall not be used to meet the upland area requirements, herein.

A lot for single or two family residential use, shall be exempt from this subsection d. Uplands Area Requirement, provided such lot conformed to all zoning requirements at the time of recording or endorsement.

The term "upland" is defined herein as land which is not "Land under Water Bodies and Waterways", "Freshwater Wetlands", or "Vernal Pool Habitat" as set forth in the Framingham Wetlands Protection By-Law [Town of Framingham By-Laws Article V, Section 18.2], as well as land which is not an area of special flood hazard, as described under subsection III.H.1., herein.

From ordnance.com, the definitions section of the zoning bylaw for Framingham:

LOT : A parcel of land, with definite boundaries ascertainable by recorded deed or recorded plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose, in one ownership and not divided by a street or public way.

LOT AREA : The horizontal area of the lot including land over which easements have been granted, but exclusive of any area within the limits of a street or recorded public or private way, even if fee to such street is in the owner of the lot.

Franklin *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Franklin Zoning Bylaw, Definitions

"LOT AREA - The horizontal area of the lot, exclusive of any area in a street or recorded way open or proposed to be open to public use. For lots created subsequent to the adoption of this provision, at least 90% of the "lot area" required for zoning compliance shall be land other than that under any. body of water, including watercourses, or any bog, swamp, wet meadow or marsh, as defined in MGL c. 131, 40. [Added 11-26-1985 by Bylaw Amendment 85-57] "

Freetown *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes

"SECTION 3. LOT SIZES & SETBACK REQUIREMENTS:

A. Lot Size - Area:

Land laid out into lots for any purpose after the adoption of this By-Law shall have a minimum frontage on a street or way of 175 feet and a minimum area of 70,000 square feet, a minimum of 52,000 square feet of which must be of non-wetland area (as defined by M.G.L. Chapter 131, Section 40); 30,000 square feet of this non-wetland area must be contiguous.

**Webmasters Note: The previous paragraph has been amended as per an update approved at a town meeting held on 5/3/04."

- Freetown Zoning Bylaw (as ammended 5/3/04)

Georgetow

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Georgetown Zoning Bylaw, Chapter 165, last revised 2002

INTENSITY OF USE SCHEDULE

Note 12. In RA, RB and RC Districts not less than 15,000 square feet of the required area of a lot shall consist of continuous building area (CBA) as defined in Section 165-7. [Added 6-10-1991 ATM, Art. 21]

Section 165-7. Definitions and word usage.

CONTINUOUS BUILDING AREA - Shall not include any freshwater wetland as delineated per Chapter 161, Wetlands Protection, nor any pond or stream. [Added 6-11-1'0 ATM, Art. 37 (Amdt. No. 82)]

Minimum Lot Required

RA: 15,000

RB: 40,000

RC: 80,000

Gloucester

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

City of Gloucester Zoning Ordinance (Adopted 1950, Amended 2002)

SECTION 6. DEFINITIONS

Lot Area: The horizontal area of a lot exclusive of any area in a street or way open to public use. For multi-family residential dwellings, not more than 10% of the lot area required for zoning compliance shall be a brook, stream, river, pond, lake, estuary or bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp, or any land subject to tidal action, coastal storm flowage, flooding or inundation, as defined by Section 12-11 of the City of Gloucester Code of Ordinances.

For all other residential and non-residential buildings for the creation of new lots only (already existing lots would not be affected), at least 75% of the lot area required for zoning compliance shall not be a brook, stream, river, pond, water-filled quarry, lake, estuary or bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp, or any land subject to tidal action, coastal storm flowage, flooding or inundation, as defined by Section 12-11 of the City of Gloucester Code of Ordinances.

Grafton

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Grafton Zoning Bylaw, Amended 2003

Definitions Section 2

Minimum Lot Area: The horizontal area of the lot, exclusive of any area in any street, required for the construction of buildings or structures. 75% of land under any waterbody, swamp, wet meadow or marsh, as defined in General Laws Chapter 131, Section 40, and the regulations promulgated thereunder, shall not be included in the minimum lot area required for Zoning Compliance. (T.M. 5-10-89)

Groton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Groton Zoning Bylaw, Chapter 218 (Adopted 1987)

~ 218-22. General provisions.

G. Computation of lot area. In computing the area of any lot, no part of a public or private way and no part of a pond or river shall be included. At least 40,000 contiguous square feet of every lot laid out for residential use shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL C. 131, ~ 40. Each lot shall be capable of containing a one-hundred-fifty-foot-diameter circle within which there is no area subject to protection under the Wetlands Protection Act, MGL C. 131, ~ 40, and within which any principal building shall be located. All easements, except easements specifically serving the individual dwelling, shall not intersect with the one-hundred-fifty-foot-diameter circle. [Amended 10-6-1994 STM, Art. 13]

Groveland *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Groveland Zoning Bylaw (Adopted 1996)

303.4. Each lot, in any district, shall contain a minimum one hundred foot inscribed circle. The one hundred (100) foot diameter inscribed circle shall be designated on any plans for the lot, and shall be contiguous buildable area. Adopted May 13, 1996

303.6. No principal building shall be erected on a lot with less than the required contiguous and buildable land area shown in the following table: Adopted May 13, 1996

District	Percentage of area to be contiguous and buildable
R-A single family	60/50 (see note 3)
R-A two family	60/50 ""
R-B single family	60/50 ""
R-B two family	60/50 ""
R-C single family	75
R-C two family	75

(1) To qualify under this section, contiguous and buildable land shall not include wetlands, land with a slope in excess of twenty (20) percent; and shall include land for a sanitary absorption system, including reserve area, to be approved by the Board of Health prior to the issuance of a building permit.

(2) Measured at the street line from side lot line to side lot line except on a curve where the frontage shall be measured from side lot line to side lot line along the curve. Frontage must provide access to the lot from the right-of-way counted for frontage unless otherwise approved by the Planning Board on a Definitive Plan submitted in accord with Chapter 41, General Laws or approved by the Planning Board in the same manner as a Definitive Plan.

(3) Sixty percent if hot serviced with Town water; fifty percent if serviced with Town water. Adopted May 13,1996

LOT . Parcel of land occupied or intended to be occupied by one (1) main building or use and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of the zoning by-laws, having not less than the minimum area and width required by the by-law for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT AREA . Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if title to such street is held by the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended.

Halifax**Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?****Yes**

ARTICLE IV Dimensional and Density Regulations

Section 167-10. General density regulations.

M. Minimum lot area must be met by contiguous land which is not: [Amended 9/28/98]

- (1) Wetlands as defined in MGL c. 131, Section 40, the Wetlands Protection Act;
- (2) Wetlands as defined by the Town of Halifax's Wetlands Protection Bylaw. [4]
- (3) Land subject to flooding as defined by MGL c. 131, Section 40, the Wetlands Protection Act;
- (4) Land within the Floodplain District as defined by Section 167-4 of this chapter of the Code of the Town of Halifax.

Thomas Millias, Building Inspector, stated that there must be 100% contiguous upland. He also referred researcher to the bylaws regarding "Estate Lots" to make the point.

Section 167-16. Estate lots.

A. No such estate lot shall be less than 80,000 square feet in area, exclusive of the access to said lot, with a minimum frontage of 50 feet.

F. The 80,000 square feet of area shall be contiguous upland. Any wetland on proposed estate lot shall be determined and accurately delineated on the Form A submission plan.

Hamilton**Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?****Yes**

The Land Use Ordinance of Hamilton

ESSEX COUNTY, MASSACHUSETTS

ZONING BY-LAW

FIRST ADOPTED 1954 INCLUDING AMENDMENTS THROUGH OCTOBER, 2000

SECTION VI. DEVELOPMENT REGULATION

B. Lot Dimensional Regulations

1. Lot Area

a. For each dwelling unit there shall be a lot area:

1. in the R-1a Residence District of not less than twenty thousand (20,000) square feet except as provided under Special Permits by the Board of Appeals, under the provisions of Section V.A. 1 I.e. above;
 2. in the R-1b Residence District of not less than forty thousand (40,000) square feet.
 3. in the B Business District of not less than twenty thousand (20,000) square feet except as provided under Special Permits by the Board of Appeals.
 4. in the R-A Residence-Agricultural District of not less than eighty thousand (80,000) square feet.
 5. in the GP Groundwater Protection Overlay District, of the size set forth in Section V.D. above.
- b. The minimum lot area for business uses within the Business Districts shall be in accordance with an approved site plan submitted pursuant to Section VI.H below.

c. Computation of Lot Area (Amended 1981, 1983, 1994, 1999)

1. No lot shall be laid out which is irregular in shape, (except for those larger lots with frontage exceptions):

a. The minimum lot width shall be such that a circle can be drawn on the plan between side lot lines and tangential to the frontage of a given lot. The required circle shall be entirely contained within the lot's perimeter. The required circle shall have a diameter of 90% of the required frontage or 112.5' in the R1A districts to correspond to the required frontage of 125% and 157.5' in the R1B and RA districts to correspond to the required frontage of 175'. Please refer to section VI-B 5 minimum Width and Depth of Lot

2. In computing the area of any lot, no part of a public or private way and no part of a pond or river shall be included.

3. Every lot laid out for residential use shall have a contiguous parcel of land for building which:

- a. is not in the Conservancy District, as shown on the Conservancy District Map incorporated into the Hamilton Zoning By-law, as amended;

- b. is not an area designated as having severe limitations for septic systems or house sites on the Hamilton Soil Survey Maps, U.S. Soil Conservation Service; and
- c. is not a wetland as defined in General Laws, Ch. 131, Section 40,

4. The contiguous parcel of land for building referred to in the preceding paragraph shall meet the following minimums, provided that the Groundwater Protection Overlay District minimum shall override the minimum for the underlying zone.

10,000 square feet in the R-1a District

20,000 square feet in the R-1b District

40,000 square feet in the R-A District

40,000 square feet in the Groundwater Protection Overlay District for lots which are not lots qualifying under Section VI.B.4 (reduced frontage lots);

One-half the sum of (the minimum lot size plus three acres) for lots qualifying under Section VI.B.4 (reduced frontage lots); and 105,340 square feet in the Groundwater Protection Overlay District for lots qualifying under Section VI.B.4 (reduced frontage lots).

5. If evidence certified by a Registered Professional Engineer, such as test pits, borings, vegetative analysis and other methods acceptable to the Building Inspector is presented by the applicant to show that the proposed building area does not, in fact, include the characteristics prohibited above, and that the boundaries on a map used to enforce this section are in error as to the parcel, the Building Inspector may accept this alternative evidence as the basis for the determination of compliance with this section.

6. The proposed house site must fall within the area claimed as buildable land under this section. (Added 1983)

7. No portion of any lot that is less than seventy-five feet in width may be counted as buildable area or toward meeting the minimum lot size under this section. (Added 1983)

8. To facilitate determination of the existence of the required building area, the applicant shall designate that area on each plan submitted pursuant to Section VIII.B, together with accompanying evidence to demonstrate compliance. The Building Inspector in interpreting this provision may seek advice of the Planning Board.

The percent required of contiguous buildable area is 50%:

	R-1a	R-1b	R-A	
Minimum Lot Area	20,000	40,000	80,000	
Min Contiguous Upland	10,000	20,000	40,000	
Percent	50%	50%	50%	

Hanover

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

The Land Use Ordinance of Hanover (Town of)
PLYMOUTH COUNTY, MASSACHUSETTS
ZONING BY-LAW

SECTION 2 DEFINITIONS
2.000 Standard Interpretations

UPLAND AREA : That area exclusive of wetlands and floodplains as defined by Section 40 of Chapter 131 of the Massachusetts General Laws, as amended and its implementing regulations, 310 CMR 10.00 et. seq.

SECTION 5 GENERAL REGULATIONS FOR NEW CONSTRUCTION AND USES AND GENERAL PROVISIONS FOR ALL ZONING DISTRICTS

5.700 Lots in a Wetlands Resource Area or Well Protection Zone:

Any portion of a lot which is located in a wetlands resource area or in a Well Protection Zone shall not be used to meet any of the dimensional regulations of Section 7, except that ten percent (10%) of that area of the lot which is located within the 200 foot riverfront area may be utilized to meet the Lot Area requirements of said Section 7. (Amended ATM 5/1/00)

SECTION 7 DIMENSIONAL REGULATIONS

7.200 Lot Size and Lot Area:

7.210 In all zoning districts, minimum lot size shall be as depicted in Table 7-1.

7.220 In all zoning districts, any portion of a lot, which is located in a wetlands resource area or in a Well Protection Zone, shall not be used to meet any of the dimensional regulations of Section 7 except in accordance with Section 8.110 of this By-Law and except that (10%) of that area of the lot which is located within the 200 foot riverfront area may be utilized to meet the lot area requirements of said Section 7. (Amended ATM 5/1/00)

From definitions on ordinance.com:

BUILDING LOT : A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open space as is required, having at least the minimum area required for a lot in the zoning district in which such lot is located and having at least the minimum frontage along a public street or public way or along a way shown on a plan theretofore approved and endorsed in accordance with Massachusetts General Laws, Chapter 41, Sections 81K-81GG (The Subdivision Control Law). A building lot shall not include any portion of a street or way which is relied upon to qualify the lot as to frontage.

6.800 Water Resource Protection District:

B. Uses Permitted by Special Permit in an Aquifer Protection Zone: The following uses may be permitted by the Planning Board, acting as the Special Permit Granting Authority, in accordance with the procedures established under Section 6,820.

3. Construction of single family residential dwellings on Lots consisting of a minimum of thirty thousand (30,000) square feet of area exclusive of wetlands Resource Areas, provided that the entire subdivision contains no more than the number of lots which would have been permitted in accordance with the standards established in Section 6.850B.4., and further provided that the remaining undeveloped land be conveyed: (Amended ATM 5/1/00)

SECTION 7 DIMENSIONAL REGULATIONS

7.000 Requirements in All Zoning Districts:

7.010 The following requirements apply to Dimensional Regulations in all zoning districts:

A. No structure shall be erected and no use shall be established and no site shall be developed except in conformance with the Dimensional Regulations depicted in Table 7-1 and/or further described or delineated in Section 7, below.

B. In the case of existing uses in non-residential districts, or pre-existing non-conforming uses, structures or other non-conformances in any zoning district, no expansion or substantial change of use or substantial change in the nature of a use or expansion of a structure, except for single family residential dwellings, shall be allowed or permitted until an application for Site Plan Approval has been submitted to the appropriate Site Plan Reviewing Board, and such application has been approved in accordance with Section 10, and until such use, structure or expansion has been brought into conformance with all dimensional regulations of Section 7, and all other provisions of this Zoning By-Law, except as may be exempted by the provisions of Section 4 of this By-Law. Exempted from this requirement are conforming applications which do not exceed the threshold provisions of Sections 10.030 and/or 11.120 of this Zoning By-Law.

C. All dimensional regulations of Section 7 shall be contiguous and uninterrupted.

Hanson

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Hanson Zoning Bylaw

SECTION II Definitions

G. **BUILDING LOT AREA** : The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for zoning compliance shall be land other than that classified as wetlands under G.L. c. 131, as shall be determined by the Conservation Commission.

TABLE OF DIMENSIONAL REQUIREMENTS

NOTES TO TABLE:

1. At least ninety percent (90%) of the minimum lot size required shall be upland (i.e., not a bank, bog, dune, marsh, swamp, or wet meadow under the Mass. General Law, Chapter 131, Section 40).

Harvard *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes CODE OF THE TOWN OF HARVARD v2 (Updated 2004)

§ 125-29. Lot size standards. [Amended 3-7-1970 ATM by Art. 45; 3-4-1972 ATM by Art. 45; 3-27-1976 ATM by Art. 27]

Except as otherwise specifically provided in this Bylaw, a dwelling or other main building shall be erected or used only on a lot meeting the standards for a basic lot or for one of the flexible optional alternative lot types hereunder.

A.The basic lot is the reference standard for the Bylaw. The access frontage may be less than that for the basic lot only if all lot requirements or one of the optional alternatives hereunder are met. Type 2 (hammerhead), Type 4 (backland), Type 5 (mini-subdivision), and CDOS lots are permitted only by special permit authorized by the Planning Board. [Amended 3-29-1980 ATM by Art. 29; 3-28-1981 ATM by Art. 23; 3-31-1990 ATM by Art. 18]

(1)The foregoing requirement for a special permit shall not apply to a hammerhead or backland lot shown on a plan endorsed by the Planning Board before March 28, 1981. Each building lot shall contain:

(a)A compact, contiguous area of buildable land of at least 25% of required lot area and containing at least a portion of the lot width circle required for the particular type of lot;

§ 125-2. Definitions.[Added 12-11-1967 STM by Art. 6]

BUILDABLE LAND -- Land area available, under the Bylaw and any other lawful restrictions, for location of a main building. Does not include area in a W District, a WFH District, or an inland wetland. [Added 3-7-1970 ATM by Art. 45; amended 3-29-1980 ATM by Art. 25; 3-27-1993 ATM by Art. 25]

LAND AREA -- Does not include any area in a W District. [Added 3-22-1969 ATM by Art. 40]

LOT -- All adjoining parcels of land held in common ownership constitute a single lot except as provided in Chapter 40A, G.L. A lot does not include area inside the street side line. [Amended 3-3-1973 ATM by Art. 37; 4-6-2002 ATM by Art. 28]

LOT WIDTH [Added 3-22-1969 ATM by Art. 40; amended 3-3-1973 ATM by Art. 37; 3-31-1990 ATM by Art. 18]:

A.The diameter of the largest circle which:

- (1)Contains no part of an abutting lot or property; and
- (2)Has a diameter contained in the lot.

B.Lot width at a specified distance from the roadway center line is the diameter of the largest circle which meets Subsection A(1) and (2) and has its center at the specified distance from the roadway center line.

Haverhill *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes City of Haverhill Zoning Ordinance

Definitions Section

BUILDING LOT - In addition to all other requirements of the Haverhill Zoning ordinance, each lot to be considered a buildable lot shall comply with all requirements of this definition. A buildable lot shall have a contiguous buildable upland area which is at least 50 per cent of the required lot size for the zone in which the lot is located. This buildable upland area shall not exceed slopes of 15% on average. The term "buildable upland" shall mean any land area which is not part of a street, right of way or easement, and not part of a pond, river, stream or wetland (as defined further by MGL Ch. 131 Sec. 40 and City of Haverhill Code section 253). In addition to the above requirements to be considered a buildable lot, any lot retaining less than 40% of total lot area as a natural vegetative area (as defined in this ordinance) shall file as part of the site plan for the lot evidence including a narrative statement by a registered professional engineer certifying that such removal of vegetative cover will likely not result in decreased sedimentation of surface waters. The site plan shall indicate any restoration proposals or erosion control measures proposed on the premises. (Added 6-27-2000 by Doc. 79-B)

Hingham

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

From ordinance.com:

IV-B Special Requirements to Schedule of Dimensional Requirements

12. Not over 20% of the required minimum lot area may be met by land in the Flood Plain and Watershed Protection District.

**Webmasters Note: Subsection 13. has been deleted as per an update approved at a town meeting held on 4/26/04.

14. No portion of the minimum lot area may be met by land that is:

- (a) Wetlands as defined by Massachusetts General Laws Chapter 131, Section 40, the Wetlands Protection Act;
- (b) Wetlands as defined by the Town of Hingham's Wetlands Protection By-Law;
- (c) Land subject to flooding as defined by Massachusetts General Laws Chapter 131, Section 40, the Wetlands Protection Act;
- (d) Land within the Flood Plain and Watershed Protection District as defined by Section III-C of the Zoning By-Law of the Town of Hingham.

In addition the required minimum lot area shall be contiguous. (Added 4/25/2000)

The contiguous buildable area requirement (Section 14) applies to Res A, Res B, and Res C. Section 12, the requirement that wetlands count for no more than 20% of the minimum buildable area, applies to Town House in Residence D district. Neither requirement applies in Residence E.

Holbrook

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Survey received 3/30/05 from Holbrook confirms that Holbrook does not restrict counting wetlands, sloped land or easements in lot size calculations.

Zoning Bylaw of the Town of Holbrook, Section 9.5 (from ordinance.com as of August 2004).

9.5 (a) Any portion of a lot which is less in width or depth the Eighty (80%) percent of the minimal lot frontage for that zoning district when measured perpendicular to any property line shall not be included in the determination of the required minimum lot size area.

Holden

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Zoning Bylaws of the Town of Holden (Adopted 1954, Amended 2004)

"LOT : An area or parcel of land or any part thereof, in common ownership, designated on a plan filed with the administration of this bylaw by its owner or owners as a separate lot. For purposes of this bylaw, a lot may not have boundaries identical with those recorded in the Worcester District Registry of Deeds. Land under water shall not be counted as land area for zoning purposes.

LOT AREA : At least 90% of the lot area required for zoning compliance shall be land other than that under water nine months or more a year, other than any marsh, swamp, or flat bordering on inland waters and other than land within utility transmission easements."

Holliston

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

The definition of lot area in the Town of Holliston Zoning By-law, Section I-E (as amended 2004), states: "Lot Area - Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee to such street is in the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended. No more than 10% of any wetland area, as defined in sub-section V-G shall be included in lot area calculations for an apartment development site. (Amended March 1974 – ATM, Art. 10)."

V-I WETLANDS AND FLOOD PLAIN PROTECTION ZONE

4. Lot Area Allowance - Except as provided by Section IV, and subject to any more restrictive conditions which may be contained in any Special Permit or Variance granted by the Board of Appeals, any portion of a lot in any zone overlaid by the Wetlands and Flood Plain Protection Zone, may be used to meet the area requirements of that district provided that no building or structure may be erected on the portion remaining outside the Wetlands and Flood Plain Protection Zone unless that portion has a minimum area of 10,000 square feet. A lot with a building existing thereon at the time of the adoption of this by-law shall not be deemed a non-conforming lot because any portion of it lies within the Wetlands and Flood Plain Protection Zone, provided that neither the building nor its sewage disposal facilities lies within said zone. If a house or septic system lies within the district, that house or septic system shall be deemed a non-conforming use.

Hopedale

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Hopkinton

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

TOWN OF HOPKINTON
ZONING BYLAW
ARTICLE I General Provisions
Section 210-4. Definitions.

LOT AREA -- The area of a lot, not including any area in a public or private street nor any water area more than 10 feet from the shoreline.

Survey received from Hopkinton on 3/22/05 marks this answer as "no."

Hudson

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Town of Hudson Protective Zoning Bylaw (Amended 2003)

5.7 FLOODPLAIN/WETLAND DISTRICT

5.7.2 DISTRICT DELINEATION

5.7.3.3 The portion of any lot within the area delineated in Section 5.7.2 above may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated, provided that portion does not exceed one hundred (100) percent of the minimum lot area.

Hull *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Town of Hull Zoning Bylaws, Section 50 (2003)

(m) Areas such as wetlands, steep slopes over 45% grade, and land below the high water mark shall act be counted in figuring the number of permissible units for the purpose of calculating the minimum area in square feet per dwelling unit.

This footnote (M) only applies to the multi-family housing district.

From ordinance.com:

LOT AREA : The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private street or way; except that one-half of any private right-of-way common to two adjoining lots may be inside yard requirements.

WETLANDS : All resource areas subject to the protection under GL C. 131, section 40 as set forth in the provisions of 310 CMR 10.02(1), in effect as of April 10, 1997, whose delineation has been approved by the Hull Conservation Commission or as determined by an appellate body from such determination; provided however, that land failing within said definition solely because it is land subject to coastal storm flowage and/or land subject to flooding is excluded from this definition. The provisions of this definition shall not apply to property zoned for single family or two-family use or property owned by the Town of Hull or other governmental authorities.

Ipswich *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Town of Ipswich Protective Zoning Bylaw (Adopted 1977, Amended 2004)

Section 3, Definitions

LOT : A single area of land in one ownership, within definite boundaries, used, or available for use, as the site for one or more buildings. (Amended 10/17/92 Special Town Meeting; approved Attorney General 1/11/93)

LOT AREA : The horizontal area of a lot exclusive of any area in a street or way open to public use. For multi-family residential dwellings, not more than thirty percent (30%) of the lot area required for zoning compliance shall be a brook, stream, river, pond, lake, estuary or bank, fresh water wetland, Coastal wetland, beach, dune, flat, marsh, wet meadow or swamp as defined by CHAPTER XVIII IPSWICH WETLANDS PROTECTION BYLAW OF THE General Bylaws. (Amended 10/23/95 Special Town Meeting; approved Attorney General 1/29/96)

Researcher's note: Exclusions apply only to MF.

Recommendation from Ipswich Community Development Plan, 2003:

H3-3. Minimum Upland Requirement: Require every buildable lot to contain some minimum amount of contiguous upland area. The required minimum should be defined to be some percentage (e.g., 50%) of the minimum lot size for the district where the lot is located. This change will decrease the amount of wetlands that can count toward lot area calculations and therefore decrease the overall number of dwelling units that can be constructed in environmentally sensitive sections of the Town.

Kingston *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Kingston Zoning Bylaw (Adopted 1955, Amended 2004)

Section 5.2. Dimensional Requirements

5.2.1. Intensity Schedule

5.2.2. Lot Area

5.2.2.1. In all districts, no more than fifteen (15) percent of the required lot area, as defined in this Section 5.0., Intensity of Use Regulations, shall consist of slope over twenty-five (25) percent, wetlands, or swamp. The area within the lot lines on which the building will be situated shall be contiguous and the wetlands or swamp included within the lot lines shall not cross, dissect or otherwise interfere with this area. No part of the required lot area, as defined in this Section 5.0., Intensity of Use Regulations, shall consist of land under water.

Lakeville *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Residential, Business and Industrial Districts must have a minimum of 52,500 sf of contiguous non-wetland as defined by MGL CH. 131, Sec. 40.

- Lakeville, Massachusetts Zoning By-Law, 1958, As amended through 6/14/04. Section 5.1.

"5.2.2.1 Any portion of a lot which falls within a wetland as defined by Massachusetts General Laws Chapter 131 Section 40, or any portion of a lot which will be used for drainage structures including detention ponds, retention ponds, forebays, and drainage swales, shall not be included in the determination of the maximum percentage of land covered by structures, parking and paved areas (section 5.1).

5.2.2 Any portion of a lot which is less than fifty (50) feet in width or depth when measured perpendicular to any property line shall not be included in the determination of the required minimum area and/or frontage. (Adopted Special Town Meeting June 11, 2001, approved by Attorney General September 19, 2001) "

- Lakeville, Massachusetts Zoning By-Law, 1958, As amended through 6/14/04. Section 5.1. Intensity Regulations Table

Lancaster *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Lancaster Zoning Bylaw (Adopted 1950, Amended 2004)

ARTICLE 4: DIMENSIONAL REQUIREMENTS

4.10 Lot Dimensions

4.11 Lot area. The following requirements must be met without counting any area in a street or recorded way open to public use. At least 90% of the lot area requirement must be met without including any "wetland" as defined in Sec. 40, Ch. 131, G.L.

Lawrence *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No LOT AREA . The computed area contained within the lot lines.

Sec. 29-17. Supplementary Dimensional Regulations.

(l) Area and lot size.

In determining the area of an interior lot which abuts upon an alley, one-half the area of the abutting alley may be credited as part of the area of such lot.

Leicester

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Leominster

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Economic Development Coordinator Chris Paquette (11/30/04) confirmed that the town does not require "contiguous buildable area" and gave a recent example of a 1 1/2 acre lot that is 2/3 wetlands (with a stream in the front) being used to build a house at the back of the soggy property because there was enough dry land for the house.

The following apply to multifamily development and cluster:

City of Leominster Zoning Ordinance (Adopted 2001, Amended 2003)

Section 22-19 Residence B Districts...

The following conditions must be met for permitted uses: ...

19.2.5 Apartments permitted by right with Site Plan Approval shall meet all the following conditions:...

19.2.5.7 Wetland areas are excluded from the calculation of total units per gross acre. A Site Plan must indicate wetlands boundaries and area for City confirmation. The Site Plan must include density calculations.

Section 22-20 Residence C Districts ...

20.2 The following conditions must be met for permitted uses: ...

Dwellings for more than one family, provided that:

20.2.1.5 Wetlands areas are excluded from the calculation of total units per gross acre. A Site Plan must indicate wetlands boundaries and area for City confirmation. The Site Plan must include density calculations.

ARTICLE IX OPEN SPACE COMMUNITY DEVELOPMENT REGULATIONS

Section 22-57 Design Requirements...

57.2 Density and Lot Area. In no case shall the number of dwellings permitted on a tract of land exceed a number that would have been permitted were the district regulations complied with fully. This density maximum is contained in the appropriate district regulations. All wetlands and floodplains shall be excluded from the parcel in calculating the allowable density. The following dimensional requirements shall apply. These requirements reflect developments where individual lots are created as well as developments where all land is kept under common ownership.

Lexington

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

§ 135-36. Minimum lot width.EN [Amended 5-7-1984 ATM by Art. 20; 4-27-1988 ATM by Art. 40]

C.No new dwelling shall be erected on any lot created after April 13, 1988, which does not contain a contiguous developable site area (see § 135-41) which is at least 90% of the minimum lot area for the district in which the lot is located. This requirement shall not apply to any lot created in a cluster subdivision, a special residential development or a planned residential district. [Added 4-13-1988 ATM by Art. 42; amended 4-4-1990 ATM by Art. 36]

6/24/04 email from Ms. McCall-Taylor:

Developable area excludes from the lot area all land which is located in a wetlands, a wetland protection zoning district and another zoning district in which the principal use of the lot is not also permitted. However, developable area is only used in determination of lot area when it is a conventional subdivision created after 1988. In that instance the lot must contain a contiguous developable site area which is at least 90% of the minimum lot area required. This requirement does not apply to a cluster subdivision, a special residential development or a planned residential district.

Developable area is also a concept used in determining FAR and impervious surface ratios for commercial development.

FLOOR AREA RATIO, NONRESIDENTIAL -- The ratio of the sum of the net floor area of all buildings on a lot to the developable site area of the lot.

IMPERVIOUS SURFACE RATIO -- The ratio of the sum of all impervious surfaces on a lot to the developable site area of the lot.

The Land Use Ordinance of Lexington (Town of)
MIDDLESEX COUNTY, MASSACHUSETTS
ZONING BY-LAW

SECTION 2. DEFINITIONS

LOT AREA -- Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee to such street is in the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended.

Lincoln *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes 23.15 LOT The whole area of a parcel of land or contiguous parcels of land in common ownership. Each separate and distinct parcel of land is shown on a plan recorded or registered at the Middlesex South District Registry of Deeds or Registry District of the Land Court, shall be considered a lot for the purposes of this Bylaw. The term "lot" shall also include the following:

- (a) any such whole area which is shown as one lot on any plot plan accompanying an application for a building permit, or;
- (b) any such whole area which is necessary to render any structure or use conforming in accordance with this Bylaw or legal and non-conforming in accordance with Section 4.5.

SECTION 6 R-1 SINGLE FAMILY RESIDENCE DISTRICT.

6.5.2 Area - The minimum area of any lot shall be 80,000 square feet. Also refer to Section 12.2.4 for lots within the W-Wetland and Watershed protection District.

12.2 W-WETLAND AND WATERSHED PROTECTION DISTRICT.

12.2.4 Lot Area Requirements. The portion of any lot which is in the W-Wetland and Watershed Protection District may be used to meet the development regulations for the District in which the land is located, provided that there is a minimum contiguous Developable Site Area of 20,000 square feet.

Littleton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Code of the Town of Littleton, Part II, Chapter 173, Article II, Section 173-2 (as amended 2003):

LOT AREA -- The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least ninety percent (90%) of the lot area required for zoning compliance or thirty-six thousand (36,000) square feet, whichever is less, shall be land not under water nine (9) months or more in a normal year and not wetland as defined by the Wetland Protection Act [Amended 5-9-1988 ATM, Art. 14].

Lowell *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes According to the Lowell Zoning Ordinance, Article II, Definitions(adopted 2003):
"LOT AREA: The horizontal area of the lot exclusive of any area in a public or private way open to public use and exclusive of any land below the high water line of any water body contained therein. At least seventy (70) percent of lot area required for zoning compliance shall be land other than wetland."

Lunenburg *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Lunenburg Protective Zoning Bylaw (Amended 2004)

5.1. Lot Area

5.1.1. Wetlands or Land Under Water

5.1.1.1. In all districts, no more than ten (10) percent of the required lot area, as defined in this Section 5.0., shall consist of wetlands or land under water.

Lynn *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No LOT : A parcel of land used or set aside and available for use as a site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one ownership and not divided by a public or private way which is open or dedicated to public use, not including any land within the limits of a public or private way upon which such lot abuts. (AS AMENDED FEBRUARY 25, 1975)

Lynnfield *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes ZONING BYLAWS, TOWN OF LYNNFIELD, Section 10.3 (OCTOBER 20, 2003)

In Single Residence Districts A, B, C, and D, and in tracts of land which otherwise qualify for "Green Belt Zoning" under the Bylaw, land which lies within a Flood Plain District or a Wetlands as defined in G.L. C. 131 S40, as amended, shall not be used to meet the minimum area required for lots in each of such districts; provided however, that nothing contained in this paragraph of this "Dimensional Regulations" Section shall prevent such land from being used for such purpose in Elderly Housing Districts. S.T.M. 10/17/88

Malden *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Mancheste *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No LOT WIDTH : The shortest, straight line distance between the side lot lines, as measured parallel to the lot's frontage. The area bounded by the lot frontage, side lot lines and the line representing the initial occurrence of minimum lot width closest to the lot frontage shall not be less than eighty (80) percent of the lot's required area. [Amended 1997]

4.7 Flood Control District

4.7.4 The portion of any lot within the Flood Control District may be used to meet the area and yard requirements for the district or districts in which the

remainder of the lot is situated.

SECTION 5.0 DIMENSIONAL REGULATIONS
5.2 Area

For purposes of this Section 5.0 the area of a lot shall not include the area within the limitation of the street.

Mansfield *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Mansfield Zoning Bylaw

4.8.4 Wetland protection

A. A primary use building shall not be erected in the Residence 1, Residence 2, Residence 3 and Reservoir Districts on a lot which contains a permanent body of water; or swamp and wetland specifically described as very poorly or poorly drained soils, said soils are specifically described in a document titled "Soil Survey of Bristol County Massachusetts (Northern Part)" prepared by the United States Department of Agriculture, Soil Conservation Service. Unless said lot conforms to the following minimum lot sizes and contains the minimum buildable contiguous area which would be exclusive of said body of water and very poorly drained or poorly drained soil. Said lot shall contain the minimum buildable contiguous area that exists prior to any approval that may be granted by the Mansfield Conservation Commission under Chapter 131, Section 40 of the Massachusetts General Laws.

In all lots affected by this provision, the Building Inspector shall require that prior to the issuance of a building permit the applicant presents sufficient documentation to demonstrate compliance with this provision.

B. A primary use building shall not be erected in the Business 1, Business 2, Business 3, and Industrial Districts, on swamps and wetlands, specifically described in a document titled "Soil Survey of Bristol County Massachusetts (Northern part)" prepared by the United States Department of Agriculture, Soil Conservation Service. Unless the required permits are obtained from the Board of Health and under Chapter 131 of the Massachusetts General Laws.

District/Min. Lot sq. ft./Min.CBA sq. ft.

- R1 No sewer/60k /37k
- R1 Sewer/ 60k/ 30k
- R2 No sewer/ 30k/ 17k
- R2 Sewer/ 20k/ 13k
- R3 Single Fam./ 10k/10k
- R3 2 Fam./ 15k/ 13k
- RD No sewer/ 30k/ 17k
- RD Sewer/ 20k/ 13k

1.5.14 LOT : A parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory buildings and used together with such yards and other open spaces as are required by this by-law. A lot may be land so recorded in a deed or on a plat of record, or it may include parts of, or a combination of such lots when adjacent to one another, provided such ground is used for one improvement. All lots shall front on and have ingress and egress by means of a street or public right-of-way.

Marblehead *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No According to the Town of Marblehead Zoning Bylaws, Article II, Section 200-7, lot area is defined as, "LOT AREA - The horizontal area within the exterior lines of the lot, exclusive of any area in a street, and exclusive of any horizontal area subject to oceanic tidal action but below mean high water; except that 1/2 of any private right-of-way common to the adjoining lots may be included in the lot area to the extent that the title in fee simple to the private right-of-way rests with the lot owner."

Marlborou *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Marshfield *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Marshfield Zoning Bylaw (Amended 2004)

2. Definition of District - The Inland Wetlands District is superimposed over any other district established by this Bylaw. Except as noted below, all lands in Marshfield which have been identified by the Soil Conservation Service of the U.S. Department of Agriculture as being characterized by poorly drained and very poorly drained mineral soils and very poorly drained soils formed by inorganic deposits and having a water table at or near the surface seven to nine months of the year are included in the district. Where these soils fall within the Coastal Wetlands District, the area shall be considered as in the Coastal Wetlands District.

A parcel of land with respect to which a building or use permit is sought shall not be subject to the provisions of this Article XIII if:

- a. It is partially outside the Inland Wetlands or Coastal Wetlands Districts, and;
 - b. The contiguous portion outside the boundaries of such Districts is equal to at least 80% of the minimum area requirements of Article VI [Section 6.01 Applicability of Dimensional and Density Regulations], and;
 - c. The proposed building or use will take place on the portion of such parcel which is outside such Inland or Coastal Wetlands Districts.
-

Maynard *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes The following is the definition of lot area in the Town of Maynard Zoning Bylaw, Definitions Section:

"Lot Area Lot area is the area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which the lot abuts, even if fee to such street is held by the owner of the lot. For purposes of satisfying the Dimensional Requirements of this By-law for the minimum area of a Buildable Lot, no Lot shall include more than 20% of its required minimum lot area as land under water, 100-Year floodplain, wetlands or any land which constitutes a protected resource area as defined under the Maynard Wetlands Administration By-law (excepting the 100 foot buffer zone), or any combination thereof in the aggregate. Where a question exists as to the extent of such protected resource area(s) on a lot, the Building Commissioner or the Planning Board may require the applicant to have the limits of the resource area(s) flagged in the field by a consultant knowledgeable in such matters, and then to make a formal Request for Determination of Applicability to the Conservation Commission to certify the boundaries of the resource areas prior to the issuance of any permits or approvals."

Medfield *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Zoning Bylaw for the Town of Medfield, Massachusetts, Section 6.2 Table of Area Regulations notes:

"Minimum lot area shall be calculated to include only contiguous land which is not in wetlands (see 2.1.88); which is not in the Watershed and/or Flood Plain District; nor in a Detention Pond, Retention Pond, or Open Drainage Structure; and which does not have a slope greater than 20% for a distance of 50 feet in its natural and unaltered state. A lot which fails to meet these requirements by reason of excessive slope shall be subject to a Special Permit from the Zoning Board of Appeals as set forth in Section 14.10."

Definition of lot from ordinance.com:

2.1.29 LOT : An area or parcel of land in the same ownership, or any part thereof designated by its owner or owners as a separate lot, which is bounded

by front, side and rear lot lines as defined in this Bylaw. A parcel shall not be designated a lot unless it conforms with the Table of Area Regulations, Section 6.2. An owner shall retain the right to alienate any parcel or portion of any parcel regardless of whether or not it is a legal lot under this Bylaw. For purposes of this Bylaw, a lot may or may not have boundaries identical with those recorded in the Norfolk County Registry of Deeds.

Medford *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Definition of lot and lot area from Medford Zoning Ordinance on municode.com:

Lot means a parcel of land laid out by plan or deed duly recorded, used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one ownership with definite boundaries and not divided by a street, nor including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot.

Lot area means the horizontal area of the lot exclusive of any area in a public or private way.

Medway *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes ZONING BY-LAW & MAP
Medway Planning Board

Updated – September 3, 2002
(Includes amendments approved by Town Meeting on November 5, 2001, May 13, 2002 and June 24, 2002)

SECTION V. USE REGULATIONS
B. AREA STANDARDS

4. For all zones, no dwelling or structure shall be erected unless the lot has upland building area within it, which encompasses a minimum of 50% of the required minimum lot area for that zoning district. This upland building area shall be contiguous land within which no land is subject to protection under the Wetlands Protection Act, General Laws, Chapter 131, Section 40.

Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS

4. Lot Area Allowance: If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this By-Law but in no case less than 10,000 square feet.

A lot with a dwelling existing thereon at the time of the adoption of this By-Law shall not be deemed a nonconforming lot because any portion of it lies within the Flood Plain/Wetland Protection District.

If any portion of a lot in a commercial or industrial district is overlaid by the Flood Plain/Wetland Protection District, any use of the lot shall require a special permit from the Board of Appeals.

Melrose *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Zoning Ordinance of the City of Melrose, Massachusetts, Section 6.3 (Adopted 1972):

ARTICLE VI. DIMENSIONAL AND DENSITY REGULATIONS
Section 6.3. Reduction of Lot Areas.

The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Ordinance, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this ordinance if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made. At least sixty percent (60%) of the lot area required for zoning compliance shall be contiguous land other than land located in a wetland, as defined in Chapter 131, Section 40, M.G.L., or land located under a brook, creek, stream, river, pond, or lake.

Lot definition from ordinance.com:

LOT . An area or parcel of land or any part thereof, not including water area, in common ownership, designated on a plan filed with the building commissioner by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

According to survey received from Melrose on 4/22/05: "Not now. The con com enforces the state wetland requirements. The City is currently working on a hillside protection ordinance. The con com is working on a local wetlands bylaw." Although the survey changed the answer to "no," researcher is leaving the answer as "yes" due to the text above.

Mendon *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Mendon Zoning Bylaw (Amended 2002)

"Item 3 No part of any pond, stream, river, swamp or wetlands, shall be included as part of a lot for the purpose of determining the minimum dimensional requirements of the lot."

Section V - LOT, YARD, AND COVERAGE REGULATIONS

Merrimac *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Merrimac Zoning Bylaw 2004

LOT AREA : The horizontal area of a LOT, not including any area in a public or private street, nor any water area more than 10 feet from the shoreline, nor any surface drainage easement. In all zoning districts, at least 75 percent of the required minimum lot area shall be contiguous upland, not including wetlands or wetland resource area as defined in G.L. c.131 Section 40 and the Merrimac Wetlands Bylaw.

Methuen *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Researcher found no requirements pertaining to contiguous buildable areas in the bylaws. According to Curt Bellavance, Director of Planning and Community Development, Methuen requires that 50% of the lot be contiguous upland (in all districts).

OPEN SPACE LAND, USEABLE : Open Space Land within a lot that has a shape, slope, location and condition that is useable and suitable as a place for active and/or passive recreation uses in the opinion of the Community Development Board. Useable Open Space Land shall contain no wetlands as defined by the Wetland Protection Act, Chapter 131, Section 40, M.G.L. and Department of Environmental Protection regulations made thereunder; and the Wetland Protection Ordinance, Chapter 12, Methuen Municipal Code.

Middlebor *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Middleborough Zoning Bylaw

SECTION V AREA REGULATIONS

A. RESIDENCE A. DISTRICT

8. No dwelling, building or structure having a permitted use in this District shall be erected, placed, altered or converted on any lot, unless the lot has an upland building area within it which encompasses a minimum 12,000 square feet of contiguous land in the shape of a circle, square or rectangle and in the use of a rectangle no side may measure less than 100 feet, within which no land is subject to protection under the Wetlands Protection Act, General Laws Chapter 131, Section 40 and within which at least 75% of the foot print of any dwelling, building or structure, not including accessory structures, shall be located. (Amended ATM 6/13/95)

B. RESIDENCE B. DISTRICT

8. No dwelling, building or structure having a permitted use in this District shall be erected, placed, altered or converted on any lot, unless the lot has an upland building area within it which encompasses a minimum 12,000 square feet of contiguous land in the shape of a circle, square or rectangle and in the use of a rectangle no side may measure less than 100 feet, within which no land is subject to protection under the Wetlands Protection Act, General Laws Chapter 131, Section 40 and within which at least 75% of the foot print of any dwelling, building or structure, not including accessory structures, shall be located. (Amended ATM 6/13/95)

F. RESIDENCE R (RURAL) DISTRICT

8. No dwelling, building or structure having a permitted use in this District shall be erected, placed, altered or converted on any lot, unless the lot has an upland building area within it which encompasses a minimum 12,000 square feet of contiguous land in the shape of a circle, square or rectangle and in the use of a rectangle no side may measure less than 100 feet, within which no land is subject to protection under the Wetlands Protection Act, General Laws Chapter 131, Section 40 and within which at least 75% of the foot print of any dwelling, building or structure, not including accessory structures, shall be located. (Amended ATM 6/13/95)

Middleton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Milford *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Millbury *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Millbury Zoning Bylaws (Updated 2003)

Section 5. Definitions:

Lot Area. The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least ninety percent (90%) of the lot area required for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, other than any resource area as specified in Chapter 131, Section 40, M.G.L., parts 1 and 3 with revisions thereto, including all marshes, swamps, bogs or wetland areas, and other than land within utility transmission easements. (Bylaws of 6-6-89, Art. 72, s. 3; Bylaws of 5-3-94, Art. 45)

Millis *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes From ordinance.com, under definitions:

LAND AREA : The Horizontal area of the lot exclusive of any area in a public or private way open to public use.

Section VI Area, Height, and Bulk Regulation

E. Calculation of Lot Areas.

At least 75 percent of the required minimum lot area, as set forth in Table 2, shall not be within the Watershed Protection or Flood Plain Districts or shall not include any wetlands.

Millville *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Milton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Nahant *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Section 5.02: "Tidelands between mean high water and mean low water shall also be excluded when determining area and frontage."

Ms. Hambleton, Planning Board Treasurer and Town Assessor, (6/29/04) said some lots can go to the mean high tide line while others go to the low tide line. She illustrated the issue with an example where the buildable area was allowed to go to the low tide line and the owners built a house on stilts. The Planning Board interpreted that there was not enough buildable area while the Building Inspector said that there was if the low tide lands were included. The Planning Board fought the decision, but the Board of Appeals sided with the Inspector. The Planning Board then went to court where the case was thrown out because the Planning Board missed a deadline.

SECTION 5.02 - SPECIAL REGULATIONS

A. Number of Residential Buildings on a Lot - Any one lot in a residential district shall not contain more than one principal building plus not more than two allowed accessory buildings, except that the Board of Appeals may allow more than two accessory buildings by issuing a special permit.

B. Area and Frontage Requirements for All Districts 1. Upon approval of the Planning Board, the required frontage for lots on curved streets where the radius of the arc at its degree of greatest curve is less than 100 feet, and lots on turning circles, may be reduced by not more than 50%, provided that the required lot width is attained at the required minimum front setback line.

2. In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts, even if the title to such street is in the owner of the lot, except, that if a corner lot has its corner bounded by a curved line connecting other bounding lines which, if extended, would intersect the area and frontage shall be computed as if such bounding lines were so extended. Tidelands between mean high water and mean low water shall also be excluded when determining area and frontage.

3. A lot upon which is located a building or for which a building permit has been issued and is then outstanding shall not be subdivided or reduced in area in any manner unless there is retained for such lot sufficient area and frontage to meet the requirements of this bylaw and unless such lot as retained (and any structure thereon) meets all the other requirements of this bylaw. If land is subdivided, conveyed, devised, or otherwise transferred in violation hereof, no building permit shall be issued with reference to such transferred land until the lot retained meets the requirements of this bylaw. Any land taken by eminent domain or conveyed for a public purpose for which the land could have been taken by eminent domain shall not be deemed to be transferred in violation of the provisions hereof.

Natick *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Needham *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes The Land Use Ordinance of Needham
NORFOLK COUNTY, MASSACHUSETTS
ZONING BY-LAW
4. DIMENSIONAL REGULATIONS
4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A,
Single Residence B, General Residence, and Institutional Districts.
4.2.1 Table of Regulations

(a) No portion of a lot which is covered by a water body shall be counted in calculating the area of a lot for purposes of determining the respective minimum lot areas as listed in the table above. Not more than a combined total of thirty (30) percent of: (a) land located in a Flood Plain District; (b) land area subject to the Wetlands Protection Act and the Inlands Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (but not including any area defined as a buffer area under said statutes); and (c) land subject to federal flood storage restrictions included within the Charles River Valley Storage Project shall be counted in calculating the area of a lot for purposes of determining the respective minimum lot areas in Single Residence A, Single Residence B, General Residence and Institutional Districts. The provisions of the second sentence of this paragraph (a) shall apply in Single Residence A, Single Residence B and General Residence Districts to any lot created after May 8, 1989.

Not more than a combined total of ten (10) percent of: (a) land located in a Flood Plain District; (b) land areas subject to the Wetlands Protection Act and the Inland Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (but not including any area defined as a buffer area under said statutes); and (c) land subject to federal flood storage restrictions included within the Charles River Valley Storage Project shall be counted in calculating the area of a lot for purposes of determining the minimum lot area in a Rural Residence-Conservation District.

From ordinance.com:

LOT : a single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot.

LOT, CORNER : a lot at the point of intersection of, and abutting on, two or more intersecting streets, the angle of intersection of the street lines or, in the case of a curved street, street lines extended, being not more than one hundred and thirty-five (135) degrees.

LOT LINE : a recorded boundary separating a lot from a street or adjoining lots; for example, front, side and rear lot lines.

Newbury *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Newbury Zoning Bylaw (Adopted 1959, Amended 1999)

Section 6. Use restrictions

4.1.2.3 Required Upland: Not more than 20% of the minimum lot area (example 8,000 square feet of a 40,000 square foot lot) shall be in wetlands or in the Parker River - Essex Bay Area of Critical Environmental Concern. Such wetlands are defined in M.G.L. Chapter 131, Section 40 as amended, and include without limitation bogs, swamps, marshes, wet meadows, and areas of flowing or standing water, sometimes intermittent, and are characterized by their distinctive soils, including but not limited to peat or muck: or by the existence of plant communities which require the presence of water at or near ground surface for the major portion of the year. Such plant communities are those described in M.G.L., Chapter 131, Section 40 as amended. (approved 6/26/01)

ARTICLE III

Agricultural-Residential District Use Regulations

§ 97-6. Use restrictions.

C. Required contiguous upland. Regardless of the actual lot size, at least 80% of the minimum lot area for the district shall be contiguous in uplands and shall not be in wetlands or in the Parker River-Essex Bay Area of Critical Environmental Concern. Such wetlands are defined in M.G.L. Chapter 131, Section 40 as amended, and include without limitation bogs, swamps, marshes, wet meadows, and areas of flowing or standing water, sometimes intermittent, and are characterized by their distinctive soils, including but not limited to peat or muck, by the existence of plant communities which require the presence of water at or near ground surface for the major portion of the year. Such plant communities are those described in M.G.L., Chapter 131, Section 40 as amended. [Amended 6-26-2001 STM, Art. 8; 6-24-2003 STM, Art. 15]

ARTICLE IV

Industrial Districts

§ 97-8. Regulations: lot size and related requirements.

F. Required contiguous upland. Regardless of the actual lot size, at least 80% of the minimum lot area for the district shall be contiguous in uplands and shall not be in wetlands or in the Parker River-Essex Bay Area of Critical Environmental Concern. Such wetlands are defined in M.G.L. Chapter 131, Section 40 as amended, and include without limitation bogs, swamps, marshes, wet meadows, and areas of flowing or standing water, sometimes intermittent, and are characterized by their distinctive soils, including but not limited to peat or muck, or by the existence of plant communities which require the presence of water at or near ground surface for the major portion of the year. Such plant communities are those described in M.G.L. Chapter 131, Section 40 as amended. [Added 6-24-2003 STM, Art. 17]

ARTICLE V

Business District

§ 97-14. Regulations.

L. Required contiguous upland: Regardless of the actual lot size, at least 80% of the minimum lot area for the district shall be contiguous in uplands and shall not be in wetlands or in the Parker River-Essex Bay Area of Critical Environmental Concern. Such wetlands are defined in M.G.L. Chapter 131, Section 40 as amended, and include without limitation bogs, swamps, marshes, wet meadows, and areas of flowing or standing water, sometimes intermittent, and are characterized by their distinctive soils, including but not limited to peat or muck, or by the existence of plant communities which require the presence of water at or near ground surface for the major portion of the year. Such plant communities are those described in M.G.L. Chapter 131, Section 40 as amended. [Added 6-24-2003 STM, Art. 16]

ARTICLE X

Residential - Limited Business District

§ 97-39. Dimensional regulations.

C. Not more than twenty (20) percent of the minimum lot area (example: 16,000 sq. ft. of a 80,000 sq. ft. lot) shall be in wetlands. Such wetlands are defined in M.G.L., Chapter 131, Section 40 as amended, and include without limitation bogs, swamps, marshes, wet meadows, and areas of flowing or standing water, sometimes intermittent, and are characterized by their, distinctive soils, including but not limited to peat or muck; or by the existence of plant communities which require the presence of water at or near ground surface for the major portion of the year. Such plant communities are those described in M.G.L., Chapter 131, Section 40, as amended.

Newburypo *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes From ordinance.com (current through 5/14/01):

XVIII-B Definitions.

1. APPLICABLE LAND AREA . This shall be determined by a registered land surveyor or engineer. Applicable land shall equal the total land area encompassed by the overall development minus land subject to either inland or coastal wetland regulations promulgated under the wetlands protection act (M.G.L.A. c. 131, Section 40) and as amended from time to time.

Section II - Definitions

22. Lot area. An area of land which is determined by the limits of the lot lines of land under one (1) ownership bounding that area and expressed in terms of square feet or acres. When the distance between any two (2) points of lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such line and lot lines shall not be considered in computing minimum lot area unless the distance along such lot lines between such two joints is less than one hundred and fifty (150) feet.

Newton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Norfolk *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section E. INTENSITY REGULATIONS

E.1.f. Continuous Buildable Lot Area

The continuous buildable area of a LOT shall be interpreted as the horizontal area of any LOT, created after the adoption of this Section, exclusive of any area in a STREET or recorded way open or way proposed to be open to public use. For any LOT created after the adoption of this Section, at least sixty percent (60%) of the minimum LOT area required for zoning compliance shall be contiguous land other than that located within an area identified as Flood Plain - Wetlands as defined by Massachusetts General Law, Chapter 131, Section 40, and/or the Town of Norfolk Wetlands Bylaw. The area shall be identified on the plan with a line entitled "100' Buffer Zone, Flood Plain, Wetland, Vegetative Wetland" as appropriate as determined and delineated by the APPLICANT'S engineer and/or botanist and approved by the Conservation Commission and/or Conservation Agent, using standards as outlined in above referenced statutes. The proposed STRUCTURE must be constructed on said designated contiguous land area.

Definition of lot from ordinance.com:

LOT - A parcel of land occupied or intended to be occupied by one BUILDING or use, with its accessories, and including the open spaces accessory to it, which is defined in deed or plan recorded with the Norfolk County Registry of Deeds or Norfolk Registry District. No land which is within the boundaries of a STREET, accepted, proposed or dedicated shall be included in determining LOT areas.

North And *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of North Andover Zoning Bylaw, Section 7.1.1 (Adopted 1972, Last Amended 2003).

"7.1.1 Contiguous Buildable Area (CBA)

As of April 28, 1986, the area of any new lot created, exclusive of area in a street or recorded way open to public use, at least seventy five (75) percent of the minimum lot area required for zoning shall be contiguous land other than land located within a line identified as wetland resource areas in accordance with the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40 and the Town of North Andover Wetland Protection Bylaw, Chapter 178 of the Code of North Andover. The proposed structure must be constructed on said designated contiguous land area."

Town of North Andover Zoning Bylaw, Section 7.1.2 (Adopted 1972, Last Amended 2003).

"7.1.2 Lot Width

For any lot created after May 1, 1995, the minimum width of the lot shall be a distance of one hundred (100) feet between the street frontage and the front building line. The width shall be measured in a line parallel to the street. This requirement shall apply in all zones except Residence 4 (R4) and Village Residential (VR); for zone R4, said minimum width of the lot shall be a distance of (eighty) 80 feet and for zone VR, said minimum width of the lot shall be a distance of (eighty) 80 feet.

7.1.3 Restrictions

1. When a fifty (50) foot straight line is drawn to divide a lot in two, and the perimeter of the smaller piece is greater than two hundred (200) feet, then such smaller piece shall not be included in the calculations when determining:

lot area

contiguous buildable area (CBA), or

street frontage

as required by the Summary of Dimensional Requirements (Table 2) of this bylaw. This restriction applies only to lots created after May 1, 1995."

SECTION 7 DIMENSIONAL REQUIREMENTS

7.1 Lot Area

7.1.1 Contiguous Buildable Area (CBA)

As of April 28, 1986, the area of any new lot created, exclusive of area in a street or recorded way open to public use, at least seventy five (75) percent of the minimum lot area required for zoning shall be contiguous land other than land located within a line identified as wetland resource areas in accordance with the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40 and the Town of North Andover Wetland Protection Bylaw, Chapter 178 of the Code of North Andover. The proposed structure must be constructed on said designated contiguous land area.

7.1.3 Restrictions

1. When a fifty (50) foot straight line is drawn to divide a lot in two, and the perimeter of the smaller piece is greater than two hundred (200) feet, then such smaller piece shall not be included in the calculations when determining: lot area contiguous buildable area (CBA), or street frontage as required by the Summary of Dimensional Requirements (Table 2) of this bylaw. This restriction applies only to lots created after May 1, 1995.

...

Section 8.10 Lot/Slope Requirements 1. Lot/Slope Requirements: In the residential zoning districts the following provisions of this Section 8.10 shall apply:

e. Slope Exclusion for Minimum Lot Area Calculation: All areas with natural slopes exceeding 33% (3:1) over a horizontal distance of 30 feet as measured perpendicular to the contour on a tract or parcel of land intended or proposed for subdivision or development, or on a lot intended for building purposes, shall be excluded from the calculation of the minimum lot area required for the applicable zoning district.

North Attle Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

North Read Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Northboro Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes Town of Northborough Zoning Bylaw

7-04-050 Definitions

BUILDING LOT [Amended 5-16-1988 ATM, Art. 31] — That area of land described and recorded as such in the Registry of Deeds on a site plan in an application for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted. A "building lot" shall not include any part of a street. A corner lot shall be any lot abutting on two (2) or more streets at their intersection. Furthermore, for a lot to be considered buildable, a portion of the minimum lot size required by the Zoning Bylaw must be as set forth in the table below and must be natural contiguous upland areas. Fill placed in a wetland, even if in compliance with the Wetlands Protection Act (MGL C. 131, § 40), shall not be considered as part of the upland area in order to meet the minimum area requirements set forth herein. For the purposes of this chapter, "upland areas" are defined as those areas not subject to protection under the Wetlands Protection Act.

District Min.LotSize(sq.ft.)Min.UplandAreaReq.(sq. ft.)

RA/ 80,000/ 40,000

RB/ 40,000/ 30,000

RC/ 20,000/ 18,000

RG/ 15,000/ 13,500

APT/ 25 acres/18.75 acres

BA/ 4,000/ 4,000

BB/20,000/ 18,000

BC/ 20,000/ 18,000

IA/ 60,000/ 48,000

IB/ 10,000/ 10,000

Northbridg Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes Town of Northbridge Zoning Bylaw Chapter 173 (Amended 2002)

§ 173-113. Dimensional requirements...

Table of Area Regulations

NOTES: [These notes seem to apply to all districts and uses]...

(9) The area of the lot, exclusive of area in street or recorded way open to public use, at least 75% of the minimum lot area required for zoning, shall be contiguous and other than land located within a line identified as wetland resource area in accordance with the Wetlands Protection Act, MGL C. 131, § 40. The proposed structures must be constructed on said designated contiguous land area. [Added 9-9-1986 STM, Art. 17]

Norton

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Norton Zoning Bylaw, 2004

ARTICLE VI - DIMENSIONAL REGULATIONS

6.4 In computing the area of a lot, no portion of a way or street as defined by the By-law, nor any brook, creek, stream, river, pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by the Massachusetts Wetlands Protection Act may be included. The lot must contain the minimum lot area for the district in which the land is located in a single contiguous site, not separated by any portion of a way, waterbody or wetland. Where a lot is bounded by a way or by a water body or by a freshwater wetland, the required setbacks shall be measured from the mean water line or the vegetative transition line or from the side line of the right of way or layout of the way and where no right of way or layout is ascertainable, the way shall be deemed to have a width of 50 feet centered on the middle of the traveled or paved portion.

ARTICLE VI - DIMENSIONAL REGULATIONS

6.2 Dimensional Requirements

6.7 The minimum lot area requirements specified in Table 6.2 shall be modified as follows :

- a. Within the Water Resource Protection District the minimum lot requirements shall be modified as follows: Within Zone II the minimum lot area for residential and non-residential uses shall be 80,000 square feet per unit; within Zone III the minimum lot area for residential and non-residential use shall be 60,000 square feet per unit except that in the Village Commercial zoning district the minimum lot area for residential and commercial uses shall be as per the dimensional requirements of the Village Commercial district.
- b. No existing lot used for multi-family dwellings shall be changed in size so as to result in a violation of the requirements of this Section.
- c. Lots may be reduced through the Residential Cluster Development Special Permit process (Section 6.8 43), provided that the provisions of Section 6.8 #2, as amended in Article 23, Norton Town Meeting of 5/2/88, are met.

Norwell

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

According to the Town of Norwell Zoning Bylaws, Article II, Section 2422: "No part or portion of any lot which is determined by the Conservation Commission to be a coastal or freshwater wetland, as defined by the Wetlands Protection Act (G.L. c.131, s. 40) and the regulations promulgated thereunder (310 C.M.R. 10.00), shall be used in determining minimum lot size as required herein, except that this paragraph shall not apply to any lot lawfully laid out by plan or deed duly recorded, as defined in G.L. c. 41, s. 81L, prior to the effective date of this paragraph, to any lot shown on a plan endorsed, prior to the effective date of this paragraph, with the words, "approval under the subdivision control law not required" or words of similar import, pursuant to G.L. c. 41, s. 81P, or to any lot shown on a Definitive Plan endorsed with the words "Approved under the subdivision control law" or words of similar import, pursuant to G.L. c. 41, s. 81U, which complied at the time of such recording or endorsement whichever is earlier, with all of the minimum area requirements set forth in the Zoning Bylaw, except for this paragraph, provided, however, that this paragraph shall apply to any subdivision under the subdivision control law, aforesaid, submitted to the Planning Board on or after the effective date of this paragraph."

From ordinance.com:

2420. Lot Area.

2421. The minimum size for lots in all districts shall be one acre.

2422. No part or portion of any lot which is determined by the Conservation Commission to be a coastal or freshwater wetland, as defined by the Wetlands Protection Act (G.L. c.131, s. 40) and the regulations promulgated thereunder (310 C.M.R. 10.00), shall be used in determining minimum lot size as required herein, except that this paragraph shall not apply to any lot lawfully laid out by plan or deed duly recorded, as defined in G.L. c. 41, s. 81L, prior to the effective date of this paragraph, to any lot shown on a plan endorsed, prior to the effective date of this paragraph, with the words, "approval under the subdivision control law not required" or words of similar import, pursuant to G.L. c. 41, s. 81P, or to any lot shown on a Definitive Plan endorsed with the words "Approved under the subdivision control law" or words of similar import, pursuant to G.L. c. 41, s. 81U, which complied at

the time of such recording or endorsement whichever is earlier, with all of the minimum area requirements set forth in the Zoning Bylaw, except for this paragraph, provided, however, that this paragraph shall apply to any subdivision under the subdivision control law, aforesaid, submitted to the Planning Board on or after the effective date of this paragraph.

2423. (VOTED ATM 5/13/2002) No part or portion of any lot which contains a surface or subsurface detention or retention basin, or swales that form part of a Stormwater Management System, shall be used in determining minimum lot size as required herein, except that this paragraph shall not apply to any lot lawfully laid out by plan or deed duly recorded, as defined in M.G.L. c.41, s. 81L, prior to the effective date of this paragraph, to any lot shown on a plan endorsed, prior to the effective date of this paragraph, with the words, "Approval under the Subdivision Control Law not required", or words of similar import, pursuant to M.G.L. c. 41, s. 81P, or to any lot shown on a Definitive Plan endorsed with the words "Approved under the Subdivision Control Law" or words of similar import, pursuant to M.G.L. c. 41, s. 81U, which complied at the time of such recording or endorsement whichever is earlier, with all of the minimum area requirements set forth in the Zoning Bylaw, except for this paragraph, provided, however, that this paragraph shall apply to any subdivision under Subdivision Control Law, aforesaid, submitted to the Planning Board on or after the effective date of this paragraph.

From definitions:

LOT : A single area of land in one ownership throughout defined by metes or bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot.

Norwood *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Norwood Zoning Bylaw

LOT AREA : The horizontal area of a lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for compliance with lot area requirements shall also be exclusive of areas subject to protection under the Wetlands Protection Act, Section 40, Ch. 131, G.L., for reasons other than being subject to flooding.

Paxton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Paxton Zoning Bylaw (Amended 2003)

4.3.9 Upland Requirement: At least seventy-five percent (75%) of the lot area required for zoning compliance shall not be wetlands as defined by M.G.L. c. 131, § 40. Furthermore, no part of a public or private way and no part of a pond or river shall be included. If wetlands are present on the premises, at the time of application for a building permit for a principal use building an applicant shall submit to the Building Commissioner a determination by the Conservation Commission that this requirement has been satisfied.

Peabody *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No SECTION 5 Dimensional Regulations

Zoning Ordinance City of Peabody, Section 5.1.6 (Adopted 1978, Amended 2004)

5.1.6 Minimum buildable area.

All residential lots shall contain a minimum buildable area rectangle equal to or larger than that specified in subsection 5.2. The minimum buildable area shall be situated so as to not encroach on any of the minimum yard depths. (Ord. of 11-21-96, § 2)

From ordinance.com:

LOT : A parcel of land used or set aside and available for use as the site of one or more buildings, accessory buildings thereto or for any other definite purpose, in one ownership and not divided by a street and not within the limits of a public or private way upon which lot abuts:

From ordinance.com:

MINIMUM BUILDABLE AREA : A rectangular shaped area measured at a location interior to the minimum yard depths. (Ord. of 11-21-96)

Pembroke *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Zoning Bylaws Town of Pembroke Section IV Use and Dimensional Regulations I. Residence District A

D. Dimensional Regulations

1. Lot Sizes: All buildable lots must have at least 80% contiguous upland area. [Amended 5/4/99]

Zoning Bylaws Town of Pembroke Section IV Use and Dimensional Regulations 2. RESIDENTIAL-COMMERCIAL DISTRICT

D. Dimensional Regulations

1. Lot Sizes: All uses require at least 120,000 square feet of area, said area being exclusive of any and all easements, cranberry bogs, wetlands, floodplains and watershed areas. All multiple unit dwellings are limited to no more than one dwelling unit per 10,000 square feet of lot area exclusive of all easements, cranberry bogs, wetlands, floodplains and watershed areas.

Pepperell *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes "LOT : For purposes of this chapter, a clearly defined piece of land of sufficient area and dimensions to meet minimum zoning requirements for width, area, use and coverage and to provide such yards and other open spaces as are required herein, and shall contain a minimum of 30,000 contiguous square feet of land exclusive of wetland and flood hazard areas."

- Zoning By-Law, Town of Pepperell, Massachusetts (as amended 12/16/03)

Subdivision regulations require certification of lot condition including:

"(13) Certification that all lots have practical access from the lot frontage to the public way and certification by a registered civil engineer or registered land surveyor that each lot contains at least thirty thousand (30,000) contiguous square feet of land, exclusive of wetland and flood hazard areas. if the property is in one of the three Water Resource Protection Overlay Districts (WRPOD), a certification must also be included stating the lot contains at least eighty thousand (80,000) square feet of area excluding surface waters and flood hazard areas as defined in Section 238-2 and Section 174. [Amended 1/10/00]"

- Rules and Regulations of the Subdivision of Land in the Town of Pepperell.

Plainville *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Town of Plainville Zoning Bylaw

4.1 - Definitions

LOT : A continuous parcel of land meeting the minimum lot requirements of this By-Law for the district in which such land is situated, and if occupied by a building or buildings, meeting the minimum yard requirements of that district, and having the required frontage on a street or on such other means of

access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit.

Plymouth *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Plymouth Zoning Bylaw 2004

BUILDABLE AREA — The portion of a lot remaining after required yards have been provided.

(3) Lot area shall be a net figure, exclusive of any public rights-of-way. In the case of lots created after April 24, 1979, lot area shall also be exclusive of any private easements of record, except in nonresidential districts (WF, NC, TC, GC, AC, LI, AP, and LI/WF) where said easements are for underground or aerial utilities or underground drainage structures and the topography will allow the placement of pavement for parking or roadway use thereon. [Amended 4-24-1979 ATM by Art. 70; 5-13-1981 ATM by Art. 39]

Plympton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Plympton Zoning By-Laws (2001 Edition)

5.6 Lot Area

The minimum lot area shall be in addition to the required off-street parking area (Section 6.4). The portion of any lot in a Flood Plain and Watershed Protection District may be used to meet the lot area requirements for the Residence Districts over which the Flood Plain and Watershed Protection District is superimposed, provide that such portion in the Flood Plan and Watershed Protection District does not exceed fifty (50) percent of the minimum lot area in the Residence District.

Princeton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Princeton Zoning Bylaws (Adopted 1957, Amended 2002)

SECTION VI. AREA, YARD AND HEIGHT REGULATIONS:

1. Area and Yard Regulations:

(A) Except as hereinafter specified, there shall be provided for each dwelling or other residential structure, each business building, and each industrial building or concern in the Town a lot with a minimum area of 87,120 square feet. Of said 87,120 square feet not less than 43,560 square feet must be exclusive of wetland and flood hazard areas. (Amended July 20, 1973, May 13, 1987, May 25, 1988)

Quincy *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Randolph

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Raynham

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Raynham Zoning Bylaw (Amended 2003)

5.1 - Minimum Requirements

(f). The portion of any lot within a wetland area as defined by the Massachusetts Wetland Protection Act may be used to meet area and yard requirement(s) in which the remainder of the lot is situated provided that portion does not exceed 20% of the minimum required lot area, and the minimum required lot area shall be contiguous dry land. (added A.T.M. 5/15/89). Said criteria is not applicable to lots located within a Farm & Forest District. In a Farm & Forest District the minimum lot size shall be 24,000 square feet of contiguous dry land if Town water is supplied to the lot and 48,000 square feet of contiguous dry land if Town water is not supplied to the lot. (added A.T.M. 5/18/92).

LOT AREA (also known as "net area"): The square footage of a lot (i.e. contiguous land) exclusive of any area in a public way or street which is accepted, proposed or dedicated to be open to the public use. At least 80% of the lot area used for zoning compliance shall not be in wetlands or flood plain district(s) as delineated by an expert in said field(s) or the Raynham Conservation Commission. This is applicable to all Zoning districts. (amended 2/12/90)

Reading

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Reading Zoning Bylaw, Section 5.2.9 (Last Amended 2003).

"5.2.9 Upland Requirement: Any portion of a lot lying within a delineated wetlands resource area as determined by the Reading Conservation Commission may be credited to the minimum lot area requirements if the portion outside such wetlands resource area is of at least the following size:

zoning district:

- single family 15- minimum area outside wetland resource area 12,000 sq. ft.
 - single family 20- minimum area outside wetland resource area 12,000 sq. ft.
 - single family 40- minimum area outside wetland resource area 20,000 sq. ft. "
-

Rehoboth

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Town of Rehoboth Zoning Bylaw (2004)

"LOT AREA : The horizontal area of a lot exclusive of any area in a public way or street which is accepted, proposed or dedicated to be open to the public use. At least 90% of the lot area used for zoning compliance shall be land other than that under water for nine (9) months or more in a normal year."

Revere

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Answer based on 6/24/04 phone conversation with Lance Kelly, Building Inspector -- if you have an easement going across your property, it can be included in the land area, but you can not build on it, so you don't have a buildable property; wetlands, however, are excluded.

LOT . Lot means one or more areas or parcels of land, in common ownership, duly recorded at the Registry of Deeds; if prior to subdivision control without endorsement, if after subdivision control with endorsement of the city planning board either as a subdivision or as subdivision approval not required. (C.O. 93-30 Section 8)

Researcher did not find any reference in the zoning ordinance or subdivision rules about excluding wetlands. Researcher left the answer as "yes" since the building inspector noted that wetlands are excluded from lot area requirements.

Rockland

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

SECTION V. BUILDING, LOT AND GENERAL DISTRICT REGULATIONS
B. Supplementary Lot Regulations
7. Minimum Required Upland [Amended ATM 5/17/99, Art. 28]

Lots in any District must contain a minimum of 22,000 square feet of land that is not a body of water, an area protected under M.G.L. chapter 131 Section 40 (the Wetlands Protection Act), including any bank, river, riverfront, wetland, beach, dune, flat, marsh, meadow or swamp.

The minimum lot size requirement in the Residence 1-4 District is 32,670 sq. ft. Town of Rockland Zoning Bylaw, Section V(A) (Last Amended 2003). Researcher divided 22,000 sq. ft. by 32,670 sq. ft. to determine that there was a 67% upland requirement.

Rockport

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Only in SRAA district. Provisions for all other lot dimentions do not mention any excluded areas:

Rockport Zoning Bylaw (Amended 2002)

"IV. AREA AND DIMENSIONS REGULATIONS
A. GENERAL REQUIREMENTS
[...]

7. LOT WIDTH: Each lot created shall have at least a minimum lot width of forty feet between the side lot boundary lines from the front to the rear of the lots. Since the side lot boundary lines may be irregular, the lot width shall be measured by a circle of forty feet in diameter inscribed within the side lot of boundary lines. For lots which cannot conform to this width, a special permit may be granted by the Board of Appeals."

"IV. AREA AND DIMENSIONS REGULATIONS
[...]
C. MODIFICATIONS AND EXCEPTIONS

4. SRAA ZONING DISTRICT LOT AREA DEFINITION (added 3/24/2001): For all residential and non-residential buildings, the lot area required for zoning compliance in the SRAA zoning district shall not include areas subject to protection under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the regulations adopted thereunder, as amended, and/or resource areas subject to protection under the Rockport Wetlands By-Law 9Chapter 14A of the Rockport Code of By-Laws)."

IV. AREA AND DIMENSIONS REGULATIONS
C. MODIFICATIONS AND EXCEPTIONS

1. TIDAL BOUNDARIES: Where any portion of a lot is covered by tidal waters, the mean high water line as established by the U.S. Coast and Geodetic Survey shall be considered the boundary or boundaries in computing the size of the lot, the square foot area of the lot and the setback of the lot.

Rowley *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Rowley Zoning Bylaw

From definitions:

BUILDABLE AREA : The portion of a lot that is composed of ground dry and permeable enough to permit construction of a dwelling and the installation of sewage disposal facilities.

4.10 Flood Plain and Watershed Protection District

4.10.2.2 The Conservation Commission and/or the Board of Health shall recommend and the Board of Selectmen shall grant a permit under this section of the find that the use of the premises will not endanger the health, safety, and general welfare of the occupants thereof or effect the use conditions of other occupants thereof or effect the use of condition of other land. In deciding on applications for a permit under this section, the Commission and/or Boards shall be satisfied:

4.10.2.2.7 That the portion of any lot within a Flood Plain and Watershed Protection District used to meet the minimum area and yard requirements for the district in which the remainder of the lot is situated does not exceed twenty-five percent (25%) of the lot area.

Salem *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Salisbury *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Saugus *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No The section on hillside protection explains that highly sloped areas must be left in their natural state, but it does not state that sloped land cannot count towards minimum land area requirements.

LOT : An area or parcel of land with definite boundaries, used or available for use, as the site of one or more buildings. For purpose of this By-Law, a lot shall have boundaries identical with those recorded in the Essex County Registry of Deeds.

LOT, CORNER : A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle or intersection of the street lot lines, or in case of a curved street, extended lot lines, being not more than 135 degrees.

LOT DEPTH : The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE, FRONT : The property line dividing a lot from a street (right-of-way) or designated way.

LOT LINE, REAR : The lot line opposite from the front lot line.

LOT LINE, SIDE : Any lot line not a front or rear lot line.

LOT, NONCONFORMING : A lot lawfully existing that is not in accordance with all provisions of this By-Law.

LOT WIDTH : The horizontal distance between the side lot lines as measured at the minimum front Yard depth required by this By-Law; same as Frontage (see definition).

K. Hillside Protection a) Purpose. The purposes of this section shall be: (1) to preserve and enhance landscape amenities by encouraging the maximum retention of natural topographical features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, and trees; (2) to minimize the effects of grading to insure that the natural character of steep slopes is retained; (3) to minimize water run-off and soil-erosion problems incurred in grading of steep slopes; and (4) to encourage innovative architectural, landscaping, circulation and site design. For the purposes of this section, the term "Natural slope" shall be defined as the elevation of the ground surface in its natural state, and "natural state" shall be defined as including soil and vegetation of every kind, before man-made alterations such as grading, excavation or filling. b) The slope of land at any point, stated as a percentage, shall be defined as the change in elevation over a horizontal distance measured perpendicular to the contours divided by the distance over which the change occurs multiplied by 100.

Slope = (Change in elevation/Horizontal distance measured perpendicular to contours) X 100 c) All natural slopes exceeding 25% over a horizontal distance of 30 feet as measured perpendicular to the contour are protected and shall remain in their natural state. d) This section shall apply to R-1, R-2, R-3, R-4, B-1, B-2, B-3, I-1 and I-2 zoning districts. e) The Saugus Planning Board may grant a special permit from the provisions of this section if, in the Board's opinion, the proposal satisfies the purposes of subsection (a) above. The application for a special permit shall be accompanied by a plan, certified by a Registered Professional Land Surveyor, showing the existing topography at two-foot (2') contour intervals. f) The provisions of this section shall not apply for eight years to building lots in a definitive subdivision submitted in accordance with M.G.L. c. 41 in order to obtain the protections afforded by M.G.L. c. 40A Sec. 6, or for the same period, after endorsement, to building lots in a definitive subdivision plan approved prior to the enactment of this section.

Scituate *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes A note below Section 600 in the Town of Scituate Zoning Bylaws (as amended 2003):
"The required Lot Areas specified above shall be exclusive of any land under water bodies, bogs, swamps, wet meadows or marshes, as defined in Massachusetts General Laws Chapter 131, Section 40."

Seekonk *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Sharon *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Sharon Zoning Bylaws
ARTICLE V. DEFINITIONS
The following terms shall in this By-Law have the meanings respectively assigned to them:

Lot Area. The horizontal area of the lot exclusive of

any area in a street or recorded way open or proposed to be open to public use. For lots created subsequent to the adoption of this provision, at least ninety (90%) percent of the lot area required for zoning compliance shall be land other than that under any body of water, including watercourses, or any bog, swamp, wet meadow or marsh, as defined in M.G.L., Ch. 131, Sect. 40, to be determined by the Inspector of Buildings, following consultation with the Conservation Commission.

Sherborn

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

From ordinance.com:

4.2 Schedule of Dimensional Requirements

4.3 Special Requirements

4.3.1 Land located in a way, whether public or private, shall be excluded in computing any lot area.

5.5 Flood Plain District (Added 1970, amended 1980)

5.5.1 Purpose

5.5.2 Regulations

d) The portion of any lot in a Flood Plain District may be used to meet lot area requirements for the Residential District over which the Flood Plain District is superimposed, provided that such portion in the Flood Plain District does not exceed 25% of the minimum lot area in Residence District A, 50% of the minimum lot area in Residence District B, and 60% of the minimum lot area in Residence District C. Land in the Flood Plain District may not be used to meet lot area requirements in Business Districts.

ii. Standard Subdivision Lot: A lot meeting all applicable dimensional and frontage requirements of Sections 4.2 and 4.3 of the Sherborn Zoning By-law without variance, special permit or exception, containing in the determination of the Planning Board with the advice of the Conservation commission, sufficient Upland Area with slope of less than 12 percent to provide for a building envelope of at least 100 feet by 100 feet and uninterrupted access thereto from an existing or proposed street or way which is at least 20 feet wide, and having suitable soils of sufficient area extent to accommodate an individual subsurface disposal system for a house under the applicable regulations of the Sherborn Board of Health and Massachusetts department of environmental Protection.

According to Gino Carlucci, Sherborn Town Planner, (6/18/04) Sherborn does not exclude wetlands, easements or sloped land from minimum land area measurement.

The survey sent to Sherborn had the answer "yes" - Sherborn returned the survey (3/28/05) with the answer changed to "no." Researcher thus changed the answer to "no."

Shirley

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Bodies of water are excluded, but no other wetlands are excluded.

Shirley Zoning Bylaw

"3.2.3 Lot Area Computation

In computing the area of any lot in any district, no part of a street or public way and no part of any water body bordering the lot or river shall be included."

LOT : A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan.

According to Sue Snyder, Shirley Planning Board Assistant, (1/6/05) the current law states, in Section 3.2.3., that "In computing the area of any lot in any district, no part of a street or public way and no part of any water body bordering the lot or river shall be included." Snyder noted that there is a proposal to change the law to require 60% or 10,000 sq. feet of a lot to not consist of resource areas in order to be eligible to be built upon. Snyder noted that the status of this change will not be known for months.

Survey received from Shirley in May 2005, completed by Sue Snyder, Board Assistant:

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

"Yes"

If so, does the "upland area" that is required to meet minimum lot sizes need to be "contiguous"?

"Yes - 10,000 sf of the land"

Shrewsbury

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Shrewsbury Zoning Bylaw (Adopted 1967, Amended 2004)

SECTION VII - DEVELOPMENT OF SITES AND LOCATION OF BUILDINGS AND STRUCTURES

B. Area, Frontages, Yard and Lot Coverage Requirements: Footnotes to TABLE II

(10) Not less than seventy-five percent (75%) of the minimum lot area required shall be contiguous land (upland) not encumbered by areas subject to protection under the Wetlands Protection Act, as defined in M.G.L. c.131 §40 and 310 CMR 10.00, excluding the riverfront area. This provision shall apply only to those lots located within the Rural A, Rural B and Residence A Districts where a minimum of 15,000 square feet of each lot must be contiguous upland. (amended 11/1/1999)

SECTION II - DEFINITIONS

BUILDING LOT : A building lot shall not include any part of a street which is relied upon to qualify the lot as to frontage, any water area, any abutting land not under common ownership, or any leased land.

Somerset

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

While the following definitions are in the general definitions section, they only apply to open space communities.

Town of Somerset Zoning Bylaw (2003)

Definitions

INDIVIDUAL LOT AREA : The individual lot area is the land required for the siting of each residential building in an open space community exclusive of streets, wetlands, water areas, open space and land in common ownership.

LOT AREA : Area within a lot including land over which easements have been granted but not including any land within the limits of a street upon which such lot abuts even if fee to such lot is in the owner of the lot.

NET BUILDABLE SITE AREA : The area of the site remaining after deducting from the base site area the portions of the site covered by wetlands, slopes in excess of 15%, flood plains and utility rights-of-way.

Somerville *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No 2.2.86. LOT AREA . The horizontal planar area of a lot, exclusive of any area in a public or private street right-of-way open to public use.

Southboro *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Zoning Chapter of the Town of Southborough, Massachusetts, Section 174-8(5): "Any lot created after April 8, 1996, in any zoning district except the BV Business Village District shall contain a minimum lot area of twenty thousand (20,000) square feet exclusive of wetlands as defined in the Wetlands Protection Act, MGL C. 131, Section 40. Lots created under the Major Residential Development Bylaw (Section 174-13.2) flexible development provision that are less than twenty thousand (20,000) square feet shall be entirely exclusive of wetlands. [Added 4-8-1996 ATM, Art. 54]."

174-8.2. RA Residence A District.
D. Development standards are as follows:

(1) Minimum lot area: forty-three thousand five hundred sixty (43,560) square feet; twenty thousand (20,000) square feet exclusive of wetlands. [Amended 4-8-1996 ATM, Art. 54]

Section 174-8.3. RB Residence B District.
D. Development standards are as follows:

(1) Minimum lot area: twenty-five thousand (25,000) square feet; minimum twenty thousand (20,000) square feet exclusive of wetlands. [Amended 4-8-1996 ATM Art. 54]

Section 174-8.4. BV Business Village District.
F. Development standards (Note: Also refer to Section 174-10.1, Village Business District plan review.) are as follows:

(1) Minimum lot area: ten thousand (10,000) square feet.

174-8.5. BH Highway Business District.
E. Development standards are as follows:

(1) Minimum lot area: forty-three thousand five hundred sixty (43,560) square feet [minimum twenty thousand (20,000) square feet exclusive of wetlands]. [Amended 4-8-1996 ATM, Art. 54]

174-8.6. IP Industrial Park District.
E. Development standards are as follows:

(1) Minimum lot area: forty-three thousand five hundred thousand (43,560) square feet [minimum twenty thousand (20,000) square feet exclusive of wetlands]. [Amended 4-8-1996 ATM Art. 54]

Section 174-8.7. ED Industrial District.
E. Development standards are as follows:

(1) Minimum lot area: forty-three thousand five hundred sixty (43,560) square feet [minimum, twenty thousand (20,000) square feet exclusive of wetlands]. [Amended 4-8-1996 ATM, Art. 54]

174-8.8. SP Research, Scientific and Professional District.
D. Development standards are as follows:

(1) Minimum lot area: fifty (50) acres; minimum twenty thousand (20,000) square feet exclusive of wetlands. Amended 4-8-1996 ATM, Art. 54]

Sterling *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Town of Sterling Protective Zoning Bylaw, 2002

LOT AREA shall mean the area of the lot excluding any area in a public or private street, nor any water area more than 10 feet from the shoreline.

Stoneham *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Stoughton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes SECTION III ESTABLISHMENT OF ZONING DISTRICTS

E. Flood Hazard, Wetlands and Watershed Districts

c. Special Conditions on Otherwise Permitted Uses in Flood Hazard, Wetland and Watershed Districts. In Flood Hazard, Wetland and Watershed Districts the following special conditions shall also apply:

(iii) The portion of any lot within the Flood Hazard or Wetland Districts may be used to meet or determine the area requirements for the underlying district in which the lot is situated, provided that the portion so utilized does not exceed twenty-five (25) percent of the minimum lot area required for the proposed use in the underlying district.

(iv) The entire portion of any lot within a Watershed District may be used to meet or determine the area requirements for the underlying district in which the lot is situated.

LOT : An area or parcel of land or part thereof, not including water area, in common ownership, designated on a plan filed with the administrator of this by-law by its owner or owners as a separate lot.

LOT, CONTIGUOUS : A lot which physically abuts another lot or lots under common ownership, or a lot which is physically separated from another lot or lots under common ownership only by a street in which the fee ownership is retained by the party owning the abutting lots Adopted by action of Special Town Meeting, within the Annual Town Meeting, May 6, 1997, Article 8, ID 28.

Stow *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

calculations?

Yes Town of Stow Zoning Bylaw, Section 4.3.2 (Last Amended 2003)

"4.3.2 Methods for Calculating Dimensional Requirements - The following shall apply:

4.3.2.1 LOT area - LOT area shall be determined by calculating the area within a LOT including any area within the LOT over which easements have been granted, provided that no area within a STREET shall be included in determining minimum LOT area. Water area beyond ten (10) feet from the shore lines shall not be included in determining the minimum LOT area. Furthermore, in all districts, at least 50% of the minimum required LOT area shall be land which is not in a wetlands or Flood Plain / Wetlands District."

BUILDING LOT : A BUILDING LOT is that area of land described in an application for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be carried on. A BUILDING LOT shall not include any part of a street. A corner LOT shall be any LOT abutting on two (2) or more streets at their intersection.

DEVELOPABLE SITE AREA : The DEVELOPABLE SITE AREA shall be calculated by subtracting from the LOT area all land which is located in:

a wetland, which shall mean a "freshwater wetland" as defined in Chapter 131, Section 40 of the General Laws and the Stow Wetlands Protection Bylaw, Article 9 of the General Bylaws;

a Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;

another zoning district in which the principal use of the LOT is not also permitted;

an access or right of way easement;

and any portion of the site with grades greater than 15%.

4.3.2.3 Area Suitable for BUILDINGS - Except in the case of hammerhead LOTS as permitted in a Residential District, each LOT in a Residential District shall have sufficient area suitable for BUILDING. The area suitable for BUILDINGS shall be considered sufficient if: (a) a circle of 150 feet in diameter, or, (b) a rectangle with an area of 20,000 square feet and a minimum side of 80 feet can be drawn on the LOT plan without overlapping any LOT line or any wetlands or Flood Plain/Wetlands District.

Sudbury *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes ZONING BYLAW
ARTICLE IX
2003
TOWN OF SUDBURY
MASSACHUSETTS

ARTICLE 7000. DEFINITIONS

Lot area: Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which the lot abuts, even if fee to such street is in the owner of the lot; provided, however, when computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with G.L. c. 41 as of the effective date of this bylaw, no land designed for surface collection of storm water or drainage waters (i.e., detention, retention, infiltration ponds or basins, etc.) and no more than twenty-five percent (25%) of the minimum required lot size in any district which is underwater land or wetland resource area as defined in G.L. c. 131, s. 40 or the Sudbury Wetlands Administration Bylaw shall be used in the computation. The above limitation on calculated "lot area" shall not be applied in determining maximum building coverage, maximum floor area ratio or any open space requirement set forth herein.

Sutton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Sutton Zoning Bylaw 2003

Section III. Use and Dimensional Regulations
B. Area, Height and Bulk Regulations
3. Area, Height and Bulk Regulations - Table 2: Table of Area Regulations
Footnote 17. No lot shall be considered buildable unless the building(s), well and septic system are located in contiguous upland acreage equal to at least sixty percent (60%) of the minimum required lot area for the zoning district where the lot is located.

16. For the purposes of calculating required lot area, land area subject to easements and the area contained in detention basins, retention basins and infiltration basins may not be utilized. For the purpose of this Bylaw, this shall include the area in the basin itself and the area of all inlet channels or pipes, outlet structures and channels and a minimum of ten (10) feet beyond the toe of the slope on the outside of the pond berm. Where no berm is provided, a minimum of ten (10) feet beyond the top of slope shall be included in the area.

Swampscot *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes LOT AREA : The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog; swamp, wet meadow, marsh, or other wetland, as defined in G.L. c. 131, § 40, as may be amended.

Swansea *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Swansea Zoning Bylaw (Adopted 1953, Amended 2002)

Section III

"NET BUILDABLE SITE AREA : The area of the site remaining after deducting from the base site area the portions of the site covered by wetlands, slopes in excess of fifteen (15) percent, floodplains, and utility rights-of-way."

Taunton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes City of Taunton Zoning Ordinance

6.3 INTENSITY OF USE TABLE
NOTES
1. square feet, unless identified as acreage by "AC"; dry lot refers to contiguous lot area, excluding wetlands as defined by the Massachusetts Wetlands Protection Act.

According to the table of dimensional requirements"

Rural residential: Lot 60,000 sf / CBA 43,560
Suburban residential: Lot 30,000 sf / CBA 22,500
Urban residential: Lot 15,000 sf / CBA 11,250

Definitions

LOT - an area of land in one ownership, with definite boundaries, used, or available for use as the site of one or more buildings, of which not more than 15% of the area shall be determined to be wetlands. Permanent water bodies shall not be calculated as part of total lot area for any lot in any zoning district.

Tewksbury *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Tewksbury Zoning Bylaw, Section 4148 (Last Amended 2004).

"4148. Not less than 50% of any lot shall be contiguous uplands as defined by M.G.L. c. 131, s. 40. Proposed structures shall be located on said uplands."

Topsfield *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes ARTICLE IV DIMENSIONAL AND DENSITY REGULATIONS

4.08 Minimum Buildable Area.

A. Each lot in the Outlying Residential and Agricultural and the Inner Residential and Agricultural Districts shall have a minimum of thirty thousand (30,000) contiguous square feet of area, and each lot in the Central Residential District shall have a buildable minimum of twenty thousand (20,000) contiguous square feet of buildable area.

B. In computing the buildable area of any lot there shall not be included any part of a street, nor shall there be included any part of a pond, river, stream, or wetland in accordance with the Town of Topsfield Wetland's General By-Law. The authenticity of the Topsfield Wetland and Wildlife Resources Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Topsfield Wetland and Wildlife Resources Map referred to in Article IV of the Zoning By-Law of the Town of Topsfield, Massachusetts which was approved by the Town Meeting on September 1974". (Approved by the Attorney General 9-21-82)

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/4/04.

C. The Planning Board may require indication on subdivision plans or on plot plans of the general location on a lot of proposed buildings, and to determine the existence of sufficient buildable land. (Art. 23, 5-5-81; Art. 23, 5-4-82)

Topsfield Zoning Bylaw, Article I, 1.05: "BUILDABLE AREA . That portion of a lot which is composed of ground dry and permeable enough to permit construction of a dwelling and appurtenances thereto including the installation and use of facilities for disposal of sewage. Buildable Area shall not include any area within a Flood Plain District as defined in Article VI.

Article IV, Section 4.08:

"B. In computing the buildable area of any lot there shall not be included any part of a street, nor shall there be included any part of a pond, river, stream, or wetland as shown on the map entitled "Topsfield Wetland and Wildlife Resources Map" dated September 1974 which accompanies and is hereby declared to be a part of this By-Law. The authenticity of the Topsfield Wetland and Wildlife Resources Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Topsfield Wetland and Wildlife Resources Map referred to in Article IV of the Zoning By-Law of the Town of Topsfield, Massachusetts which was approved by the Town Meeting on September 1974". (Approved by the Attorney General 9-21-82)."

Townsend *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No Town of Townsend Zoning Bylaw (Amended 2004)

LOT AREA - The horizontal area of a lot exclusive of any area in public or private way open to public use and any body of water.

§145-16. Land below mean high water.

Land lying below mean high water shall not be included as part of a lot for the purpose of meeting area requirements of this Bylaw.

Tyngsboro *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Tyngsborough Zoning Bylaw (2001)

2.12.20 Minimum Land Area - In any district the following areas may not be considered in computing minimum lot sizes.

1. Land classified as wetland pursuant to the regulations promulgated under Chapter 131 of the General Laws of the Commonwealth and land within a lot made non contiguous by said wetland.

2. Land classified as floodway as determined by the U.S. Department of Housing and Urban Development, Federal Emergency Management Agency and depicted on the "Floodway Boundary Maps" prepared for the Town of Tyngsborough by said Agency dated September 2, 1982.

Tyngsborough Zoning Bylaw (2003)

2.12.40 Methods for Calculating Dimensional Requirements - The following shall apply: 2.12.41 Lot Area - Lot area shall be determined by calculating the area within a lot excluding any area within the lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet. (See Figure 1)

Upton *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Uxbridge *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Uxbridge Zoning Bylaws (Revised 2004)

h. No lot created after the adoption of this subsection h may be built upon unless it contains a contiguous upland area equal to at least sixty percent (60%) of the minimum lot area required for the zoning district in which the lot is located. For purposes of this subsection, contiguous upland area shall mean a contiguous area of land, exclusive of any non-riverfront resource area subject to regulation under G.L.c.131, s. 40, within which any building(s) to be constructed on the lot shall be located.

Wakefield *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

calculations?

Yes

Section 190-31. General regulations.

J. All lots in residential districts only shall have upland area equal to at least seventy-five percent (75%) of the required lot area.

ARTICLE II Definitions

Section 190-4. Definitions and word usage.

UPLAND AREA That contiguous portion of the lot area that is not part of detention basins, retention basins, land under water (LUW) land subject to flooding (LSF), bordering vegetated wetlands (BVW), or floodplains. The principal structure must be located in the upland area and the required minimum upland area, as defined in section 190-31.J, must be directly accessible from the principal structure without crossing detention basins, retention basins, LUW, LSF, BVW, or flood plains. For the purpose of this section. LUW, LSF, BVW, and flood plains shall be as defined in the current edition of Massachusetts Code of Regulations 310 CMR 10.00, as amended from time to time. (amended ATM 4/5/99, approved 8/9/99)

LAND DEVELOPMENT ORDINANCE

Ver 3.0.43 The Land Use Ordinance of Wakefield

MIDDLESEX COUNTY, MASSACHUSETTS (amended 4/5/04)

www.ordinance.com

According to the Wakefield Zoning Bylaw, Article VI, Section 190-31(J), "All lots in residential districts only shall have upland area equal to at least 75% of the required lot area."

Additionally, Upland Area is defined in Wakefield Zoning Bylaw, Article II, Section 190-4(B) as:

That contiguous portion of the lot area that is not part of detention basins, retention basins, land under water (LUW), land subject to flooding (LSF), bordering vegetated wetlands (BVW) or floodplains. The principal structure must be located in the upland area, and the required minimum upland area, as defined in § 190-31J, must be directly accessible from the principal structure without crossing detention basins, retention basins, LUW, LSF, BVW or floodplains. For the purpose of this section; "LUW," "LSF," "BVW" and "floodplains" shall be as defined in the current edition of Massachusetts Code of Regulations 310 CMR 10.00, as amended from time to time. [Added 4-5-1999 ATM by Art. 25]"

Walpole

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Walpole Zoning Bylaw, Section 4C (Last Amended 2003).

"(b) Continuous Buildable Lot Area

The continuous buildable area of a lot shall be interpreted as the horizontal area of any lot, created after the adoption of this section, exclusive of any area in a street or recorded way open or way proposed to be open to public use. For any lot created after the adoption of this section, at least sixty percent (60%) of the minimum lot area required for zoning compliance shall be contiguous land other than that located within an area identified as a "Resource Area" as defined by Massachusetts General Law, Chapter 131, Section 40, and/or the Town of Walpole Wetlands By-Law. The area shall be identified on the plan with a line entitled "Wetland Resource Area", determined and delineated by the applicant's engineer and/or botanist and approved by the Conservation Commission and/or Conservation Agent, using standards as outlined in the above-referenced statutes. The proposed structure must be constructed on said designated contiguous land area."

3-C Flood Plain District

(3) Use Regulations

(d) The portion of any lot within the Flood Plain District may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated, provided however, that the conditions of Section 4.C.3.b. "Continuous Buildable Lot Area" have been met.

Waltham

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

From ordinance.com:

2.328 LOT - A parcel of real estate as described in a deed or shown on a plan separate from any other parcel, such deed or plan being recorded in the Registry of Deeds or approved by the Board of Survey and Planning and on file with the City Engineer.

2.329 LOT LINE -The division between individual lots.

2.330 LOT WIDTH - The shortest distance between the side lot lines measured through the front yard setback line

Watertown

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Defintion of lot area from ordinance.com:

SECTION 2.44 LOT AREA : The horizontal area of the lot exclusive of any public or private way open to public uses.

Wayland

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

From ordinance.com:

LOT - An area of land in one ownership with definite external boundaries and without any other legal boundaries or lines that are internal to said external boundaries, excepting easements, and which area of land is used or set aside and available for use as the site of one or more buildings.

ARTICLE 16 Aquifer Protection District

Section 198-1602. Definitions

PERVIOUS UPLAND LOT AREA -- The upland lot area less that portion thereof that is covered by impervious surface.

UPLAND LOT AREA -- The total area of the parcel of land in question less the area of ponds, streams and wetlands as defined under Massachusetts General Laws c. 131, 40, as amended.

Section 198-1604. Density restrictions applying to the Aquifer Protection District.

1604.1. For residential developments that do not require a special permit and in which the disposal of wastewater is by means of septic tank sewage systems, the density of dwelling units shall not exceed 1 1/2 units per upland acre of the parcel of land being developed.

1604.2. Any use that will render impervious more than 20% of the lot or 2,500 square feet, whichever is greater shall require Site Plan Approval under this section. A system for ground water recharge for runoff from the impervious surface that does not degrade groundwater quality shall be provided. Under no circumstances shall the impervious surface of a residential lot exceed 30% of the upland area of the lot.

Wellesley

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Wenham

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Wenham Zoning Bylaw, Section X(e), (Adopted 1974, Last Amended 2000).
"Section X - Yards and Area Regulations

E. Lot size.

Land laid out in the Residential District subsequent to the adoption of this bylaw shall provide for each dwelling the following lot areas and dimensions:
(As amended 3/11/74)

1. Not under 40,000 square feet, said dwelling not to occupy more than 35% of the area.
2. Not under 170 linear feet of frontage and not under 100 linear feet between the side lot lines at any point. No house shall be built on any lot, nor permit therefor issued, until the street or streets upon which the frontage is measured is constructed in accordance with plans and specifications approved by the Planning Board or security acceptable to the Planning Board furnished to assure completion of such construction. No house shall be occupied until such street or streets are constructed in accordance with such plans and specifications. If the subdivision plan for the lot in question shows a way plotted along any boundary, the lot shall not only have the required frontage set forth above but shall also have the required frontage after construction of said plotted way. (As amended 1/9/78 and 3/26/80)
3. In computing the lot size, at least 40,000 square feet of area must be contiguous and exclusive of wetlands and/or land lying in the Flood Plain District. (As amended 1/9/78, 3/26/80 and 5/1/93)
4. The lot areas and dimensions of land laid out at any time prior to April 7, 1955, shall conform to the requirements of the bylaw in effect at such time, provided that lots shown on any plan duly recorded, or described in a deed duly recorded, that do not meet the requirements of Section X. Subsection E, may be used for a building lot provided that all front yard, side yard and rear yard setback requirements are met, and further provided that at the time of the adoption of this amendment such lot was held in ownership separate from that of adjoining land. (As amended 3/16/74)
5. The lot areas and dimensions of land laid out at any time subsequent to April 7, 1955, and prior to the adoption of this bylaw shall conform to the requirements of the bylaw in effect at such time, (As amended 3/16/74)"

West Boyls

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

West Bridg

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

The Land Use Ordinance of West Bridgewater
PLYMOUTH COUNTY, MASSACHUSETTS

RULE AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND
SECTION 2.0. GENERAL
2.1. Definitions

LOT AREA : The horizontal area of the lot exclusive of any area in a street or recorded way open or proposed to be open to public use. For lots created subsequent to April 9, 1979, at least 90% of the lot area required for zoning compliance shall be contiguous land other than that under any body of water, including watercourses, or any bog, swamp, wet meadow, or marsh, as defined in Section 40, Chapter 131, General Laws, to be determined by a qualified Botanist and confirmed by the Conservation Commission.
(From subdivision rule and regulations)

West Newb

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

West Newbury Zoning Bylaw (Revised 2003)

SECTION 2.0. DEFINITIONS:

CONTIGUOUS AND BUILDABLE LOT AREA. Consistent with the requirements of Section 6.1. Table of Dimensional Controls, contiguous and buildable area shall mean that portion of any lot not defined as a resource, subject to MGL Chapter 131 840 and 310 CMR 10, the Wetlands Regulations and/or having grades of 20% or less. Further, that the area not subject to the natural conditions and restraints noted above shall be a contiguous area of land.

**Webmasters Note: The previous definition has been added as per an ordinance approved at a town meeting held on 4/30/01.

Section 6.0 Intensity of Use

6.A.1 Table of Dimensional Control

(2) No lot shall have less than the required lot area as contiguous and buildable land as required by Section 6.1 Table of Dimensional Controls.

Wetlands as described by M.G.L. Chapter 131 and slopes in excess of 20% shall not be considered as buildable land for the purpose of calculating square footage.

However, for all lots using Town accepted rights of way in existence prior to June 1, 2001, the percent of lot area to be contiguous and buildable shall be reduced to 75%.

According to the table of dimensional control, in Res A, B and C, 90% of the lot area is required to be contiguous and buildable.

Westborou

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Westborough Zoning Bylaw (2004)

LOT AREA shall mean the horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, other than any marsh, swamp or flat bordering on inland waters, and other than land within utility transmission easements.

Note: Survey received from Westborough on 5/5/05 (completed by Zoning Enforcement Officer Joseph Inman) marks the following:

Does the "upland area" that is required to meet minimum lot sizes need to be "contiguous"?

"Yes"

Westford

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Westford Zoning Bylaw, Appendix C, Table of Dimensional and Density Regulations, Footnote 3 (Last Amended 2004).

"For new residential lots, at least 75 percent of the required minimum lot area shall be dry land, that is not in the Floodplain Zone, whose boundaries are described are described in Section 173-t; 4B and 173-16B."

Also see footnote 16:

16 When wetlands, as defined under this chapter and/or M.G.L.c. 131, s. 40, occur on a lot: The open space requirements for lots requiring 50% open space shall be calculated as follows: $OS = 0.50 (TLA - W)$. Lots requiring thirty (30) percent open space shall be calculated as follows: $OS = 0.30 (TLA - W)$, where OS = required non-wetland open space areas; TLA = total land area in the parcel; W = total wetland area in the parcel.

**Webmasters Note: The previous foot note has been amended as per an update approved at a town meeting held on 5/10/03.

Weston *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes Town of Weston Zoning By-Law and Map Section VI (B)(2)(b) (Adopted 1928, Amended 2003)

(b) If any portion of a lot in a Single Family Residence District is overlaid by the Wetlands and Flood Plain Protection District A said portion may be used to meet the area requirement for that district otherwise provided in the Zoning By-Law provided that no building or structure may be erected on the portion remaining outside the Wetlands and Flood Plain Protection District A unless that portion has a minimum area of 20,000 square feet.

Town of Weston Zoning By-Law and Map Section VI (A) (4) (Adopted 1928, Amended 2003)

4. Land located within a way, whether public or private, shall be excluded in computing any lot area.

From definitions in ordinance.com:

LOT : The whole area of continuous land under one Ownership, whether there be one or more than one owner and whatever the form of tenure.

Survey received from Weston on 3/22/05 marks the answer as "yes."

Westwood *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes From ordinance.com:

SECTION 14. LOT SIZE REGULATIONS

(a) Lot Area, Minimum Non Wetland Area, Lot Frontage and Required Lot Width.

In all Districts, no building or structure, except a one-story building or structure of accessory use, shall be constructed on a lot having less area than the "Required Lot Area", or less than the "Required Minimum Non Wetland Area" being defined as land other than the fresh water wetlands as that term is defined in MGL Chapter 131, Section 40, or does not front on at least one street for a distance of at least the "Required Lot Frontage", all specified in the following table for the district in which said lot is located, and no more than one building or structure constructed as a dwelling, or so used, shall be located on each such lot.

**Webmasters Note: The previous paragraph and subsection title have been amended as per an ordinance approved at a town meeting held on 5/7/01.

There is a table with the following categories: district, required lot area, required lot frontage, required lot width, required minimum non-wetland area. The footnote reads: 1 Required Minimum Non Wetland Area must be measured in contiguous square feet.

Here is part of the chart with district, required lot frontage and required minimum non-wetland area.

Single Res A. 12,000 sf, 12,000 sf

Single Res B. 20,000 sf, 15,000 sf

Single Res C. 40,000 sf, 30,000 sf

Weymouth

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Weymouth Zoning Ordinance, Section 120-53.1 (adopted 1969): Any lot created after May 4, 1998, shall have a minimum upland area, as defined in ~ 120-6, of seventy-five percent (75%) of the minimum required lot area."

According to the Weymouth Zoning Ordinance, Section 120-6 (adopted 1969), lot area is defined as: "The horizontal area of the lot exclusive of any area in a public or private way open to public use and exclusive of any freshwater area more than 10 feet from the shoreline and exclusive of any saltwater area below the mean high-tide line."

There is a minimum upland area requirement of 75% in determining lot area, where upland is defined in the Weymouth Zoning Ordinance, Section 120-6 (adopted 1969, as amended) as, "UPLAND -- Land not considered a wetland as defined in M.G.L. c. 131, ~ 40, the Wetlands Protection Act, including but not limited to oceans, ponds, streams, bogs, wet meadows and swamps. [Added May 1998 ATM by Art. 43, approved 10-23-1998]."

From ordinance.com:

LOT : A parcel of land in single, joint or multiple ownership, whether or not platted, and not divided by a public street.

LOT AREA : The horizontal area of the lot exclusive of any area in a public or private way open to public use and exclusive of any freshwater area more than ten (10) feet from the shoreline and exclusive of any saltwater area below the mean high-tide line.

LOT COVERAGE : The fixed relation between the lot area and the area of ground coverage of all buildings, including accessory buildings, and expressed as a percentage. [Added May 1989 ATM by Art 53, approved 7-28-89]

LOT LINE : The division line between adjoining properties or a division line between lots established by a plan filed in the Registry of Deeds or Land Court.

LOT LINE, FRONT : All lines separating any lot from the street layout lines. [Amended May 1989 ATM by Art. 53, approved 7-28-89]

LOT LINE : The division line between adjoining properties or a division line between lots established by a plan filed in the Registry of Deeds or Land Court.

LOT LINE, FRONT : The line separating any lot from the street layout line.

LOT LINE, REAR : A lot line which is opposite and most distant from the front lot line; in the case of a triangular or irregular lot, a line ten (10) feet long within the lot, parallel to and farthest from the front lot line. In the case of a corner lot, the "rear lot line" shall be the line opposite the street line of the street on which the principal building faces.

LOT LINE, SIDE : Any lot line not a front or rear lot line.

LOT WIDTH : The horizontal distance parallel to the front lot line or, in the case of a curved or irregular lot line, a line parallel to a straight line drawn between the front lot corners, measured between the side lot lines at the building line. [Amended May 1989 ATM by Art 53, approved 7-28-89]

Section 120-53.1. Minimum upland area.

[Added May 1986 ATM by Art. 46, approved 7-24-1986; amended May 1998 ATM by Art. 43, approved 10-23-1998]

Any lot created after May 4, 1998, shall have a minimum upland area, as defined in Section 120.6, of 75% of the minimum required lot area.

Whitman

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Town of Whitman Zoning Bylaw

SECTION X Environmental Performance Standards
10-4 EROSION CONTROL:

All slopes shall be stabilized by adequate ground cover or other approved means to prevent erosion and to retard excessive runoff. Means of preventing erosion during construction shall be specified to the satisfaction of the Building Inspector. Natural slopes shall be retained insofar as possible when siting structures. Finish contours shall direct surface drainage around structures rather than directly against them, using swales or other approved means. No portion of any lot whose slope equals or exceeds fifteen (15) percent shall have any structure built on it. Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized according to the following guidelines: slopes greater than thirty-five (35) percent should be avoided in most cases; slopes between twenty-five (25) percent and thirty-five (35) percent, rip-rap or terracing should be used; slopes between ten (10) percent and twenty-five (25) percent, sod, or established vegetation or seedlings in association with webbing material placed over the soil; slopes between four (4) percent and ten (10) percent, plant seed in association with webbing placed over the soil, or heavy mulch or gravel.

SECTION VII Special Provisions
7-4 Flood Plain and Watershed Protection Districts:
D) Permit Procedure:

g) that the portion of any lot within a Flood Plain and Watershed Protection District used to meet the area and yard requirements for the underlying district in which the remainder of the lot is situated, does not exceed twenty-five percent (25%) of the required minimum lot area of the underlying District.

[Note: While the bylaw makes some sloped land unbuildable, it does not exclude sloped land from minimum lot area requirements.]

Wilmington

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

No

Wilmington Zoning Bylaw (2002)

SECTION 5. DIMENSIONAL REGULATIONS
5.2 Provisions for Dimensional Regulations

5.2.1 Lot Area - Lot area shall be determined by an area within a lot including any area within said lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150

Winchester

Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?

Yes

Winchester Zoning Bylaw (2003)

Section 9 Definitions

"LOT AREA":

All lots created or shown on a plan presented to the Planning Board or recorded after March 17, 1988, must have at least 80 percent of the lot area required for zoning compliance consisting of land other than areas under any body of water including water courses, or land consisting of a bog, swamp, wet meadow, fresh water wetland, or marsh as defined in M.G.L. c. 13 1, Section 40. All plans submitted to the Planning Board or Building Inspector shall identify those areas defined as a body of water, water course, bog, swamp, wet meadow, or marsh, or if not applicable, contain a statement that "No land lies within a wetland area as defined in M.G.L. c. 131, Section 40. "

Winthrop *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No

Woburn *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

Yes City of Woburn 1985 Zoning Ordinances, Section 2 (amendments through 2004), "LOT AREA: Lot area shall be determined by an area within a lot including any area within said lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. (amended 12/5/89)."

City of Woburn 1985 Zoning Ordinances, Section 6 (amendments through 2004), "The portion of any lot within an area designated as within a Flood Plain district as set forth in Section 9 may be used to meet the area and yard requirements in this section 6 for the district or districts in which the lot is located, provided the portion of the lot within the flood plain does not exceed twenty (20) percent of the minimum lot area as shown on a certified plot plan prepared by a Registered Professional Engineer or Registered Land Surveyor. (amended 2/23/2001)."

Worcester *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No City of Worcester Zoning Ordinance (Adopted 1991, Amended 2004)

LOT AREA : The total number of square feet within the exterior lines of the lot. For purposes of calculation, any water area more than ten (10) feet from the shoreline is excluded from the total lot area.

Wrentham *Are there restrictions on counting wetlands, sloped land or easements in lot size calculations?*

No
