

October 4, 2023

To: Nick Solley, chair
Washington Zoning Commission

Fr: Wayne Hileman, chair
Washington Planning Commission

Re: Referral of Proposed Revision to Zoning Regulations:
Removal of Section 12.5.2 – Accessory Structures

Dear Nick,

The Washington Planning Commission has reviewed the proposed petition (as of 31 August 2023) to amend the Washington Zoning Regulations to remove Section 12.5.2 regarding accessory structures.

The Planning Commission finds that the removal of Section 12.5.2 is consistent with the Town's Plan of Conservation and Development. The Plan does not specifically address accessory structures, but it does call for our housing stock and local economy to be more diverse. The petitioners make valid points regarding the current regulation in terms of inadvertently posing inequities on residents who live in smaller houses from the perspectives of working families, small businesses, sustainability and economic development (see *Addendum I*).

That said, the Planning Commission is not comfortable with simply deleting Section 12.5.2. Although the Commission feels it is necessary to address the unintended consequences posed by the current regulation, it has concerns over creating new unintended consequences by its removal. Specifically, without the 75% limitation, owners of very large properties could erect accessory structures that would not be in harmony with the existing physical characteristics of the community.

Thus, the Commission recommends that Section 12.5.2 be amended by inserting language that allows a maximum size for accessory structures *or* compliance with the 75% constraint, *whichever is greater* (see *Addendum II*). We believe this compromise can serve the broader needs of Washington.

Best Regards,



Wayne Hileman
Chair – Washington Planning Commission

cc: Land Use Administrator
Enforcement Officer
Board of Selectmen

Addendum I:

Consider the following simplified scenario:

Two residents, **Owner A** and **Owner B**, live in single-family homes on large, comparable lots in the same residential district. **Owner A** lives in a 3200 sq/ft home; **Owner B** lives in a 1600 sq/ft home. Both need 1800 sq/ft for shop storage (non-farming use).

Because our regulations cap the size of an accessory structure at 75% of the home size, **Owner A** can build an 1800 sq/ft accessory structure, pending zoning/land use approval. **Owner B** must either (i) expand their home by 50% to 2400 sq/ft or (ii) build two (or more) smaller accessory structures. In general, building multiple smaller structures is more expensive than building a single structure, and forcing **Owner B** to expand their home is obviously out of bounds.

Thus, this regulation inadvertently rewards **Owner A** for living in a large home and/or penalizes **Owner B** for living in a small home.

Addendum II:

Consider the following simplified example:

- 12.5.2 Accessory buildings shall be clearly subordinate to and smaller in ground floor area and volume than the principal structure on the property except in connection with an agricultural use **or when a small principal structure precludes a suitably sized accessory structure**. The ground floor area and volume of an accessory building shall not exceed **XXX sq/ft and YYY cu/yd or 75%** of the ground floor area and volume of the principal building, **whichever is greater**.