

**Build-Out Analysis for Marion, Massachusetts, Using Existing Zoning
prepared for the Marion 2015 Oversight Committee**

by

**John Rockwell, Regional Planner,
Buzzards Bay National Estuary Program**

September 8, 2009



Buzzards Bay
National Estuary Program

Introduction

The [Buzzards Bay National Estuary Program](#) (BBNEP) provides technical and planning assistance to communities in the Buzzards Bay watershed on issues relating to surface water quality. Dense residential development has an adverse effect upon water quality by increasing the pollutant loads to water bodies via stormwater runoff. While stormwater best management practices (BMPs) can help reduce the pollutant loads from dense residential development, the BMPs cannot eliminate the increase in pollutant discharges. Large residential lot size results in less impervious surfaces, hence less impact to marine resources from storm water runoff. Larger lot size also brings new options for the preservation of open space through cluster zoning. Cluster zoning can also result in further reductions beyond that required for large lots and decreased pollutant loads.

The Town of Marion Planning Board requested the BBNEP perform a build-out analysis based on their existing zoning in 1999. In 2004, we updated this report based on a request was made by the Marion 2015 Committee, accounting for then existing zoning. This latest report was produced at the request of the 2015 Oversight Committee in April of 2009, again accounting for the latest zoning changes.

The amount of land in each residential zoning district is shown in Table 1: Residential Zoning Districts. For a look at the Marion Zoning, see [map 1](#).

Zoning District	Minimum Lot Size (acres)	Percent of Town
Residence A	0.5	1.4%
Residence B	1.0	3.8%
Residence C	2.0	20%
Residence D	2.0	64%

Methodology

The BBNEP has compiled [geographical information system \(GIS\) data](#) for the municipalities within the Buzzards Bay watershed. The build-out was performed using recently updated Marion GIS files and assessor's records.

The data used in the analysis is subject to error. While errors have been reduced by the updating of the parcel coverage, the GIS parcel data is not survey accurate. The parcel coverage used for this analysis is shown on [map 2](#).

Starting with the parcel map, the BBNEP identified of types of land that would not be available for future residential development. Separate GIS layers were then constructed for each type of land

ownership. All information regarding acreage is based on the BBNEP GIS data for Marion. These layers were:

All Roads (Map 3) - includes all areas designated as roads on Marion assessors' maps. It does not include the old town roads (ancient ways) which are considered to be private easements by the BBNEP. This coverage does include all subdivision roads even if never constructed, but not those subdivision roads considered private easements, such as Deer Run and Pasture Lane. This coverage does not include an area of County Road that is actually in Wareham. Nor does it include a private subdivision road off of Point Road, for which no plan has been filed with the Plymouth County Registry of Deeds. (Total = 519 acres)

Permanently Protected Open Space (Map 4) - includes land in the Haskell Swamp Wildlife Management Area (owned by the Commonwealth of Massachusetts Department of Fish and Game), land owned by the Sippican Lands Trust, The Trustees of Reservations, the Town of Marion pursuant to several statutes, (M.G.L. Ch. 40, s. 8C - for conservation land, M.G.L. Ch. 40, s. 3 - for parks and recreation, M.G.L. Ch. 45, s. 14 - for playgrounds, M.G.L. Ch. 40, s. 41 and M.G.L. Ch. 40, s. 3 - for water supplies), and conservation restrictions held by the Town of Marion, Sippican Lands Trust, Wildlands Trust of Southeastern Massachusetts, The Trustees of Reservations and the USDA Commodity Credit Corporation. Also included is land subject to a Coastal Wetland Restriction pursuant to MGL Chapter 130, section 105. There is some overlap of the Coastal Wetland Restrictions with other Conservation Restrictions and land owned by the Town in Aucoot Cove. (Total = 3,262 acres)

Town Infrastructure (Map 5) - includes those parcels held by the town for water distribution, sewer infrastructure (lagoons and pumping stations), transfer station, cemeteries, DPW barn, Town House, Sippican School, police and fire stations, and the Old Rochester Regional High School. (Total = 245 acres)

Utilities (Map 6) - includes electric transmission lines (on lots held by NStar), the telephone switching station, cable TV tower, and cable TV offices. (Total = 21 acres)

After creating and stripping away the protected areas in [map 7](#), the remaining land (shown in [map 8](#)) can be considered as parcels available for new development or redevelopment. The BBNEP examined the parcels available for future development and redevelopment to determine the buildout potential of the lots. Factors considered to determine if the residential use of the lot could be intensified were:

1. the current use of the lot ([Appendix A](#));
2. the size and location of the lot;
3. the applicable zoning district ([map 1](#));
4. the velocity zone delineation ([map 9](#)) relative to the lot; and
5. the amount of uplands ([map 10](#)) based on the Department of Environmental Protection's [Wetland Conservancy Program mapping](#).

To determine how much land was required for further subdivision of a parcel, each lot was considered to have no frontage. Therefore, to create an additional lot, the area containing the requisite number of square feet as required by the zoning district, as well as the area to construct a road to establish frontage

was required. Since road construction can provide frontage for lots on both sides of the street, the area required for roads for each lot were:

Lot Frontage Required By Zoning (feet) X 50 feet (layout width) X 0.5

Stormwater controls are required in all subdivisions. To determine the amount of land dedicated to stormwater control, the BBNEP assumed soils in hydrologic class C, a pre-development condition of “good woods” and no storage available for rate or volume controls below a depth of three feet due to water table restrictions. Calculations regarding existing area requirements for frontage and stormwater controls were performed for the minimum lot size in each zoning district. The total land area for each lot was determined to be the following:

General Business (GB)	18,120 square feet
Marine Business (MB)	18,120 square feet
Limited Industrial (LI)	18,120 square feet
Limited Business (LB)	17,508 square feet
Residence A (RA)	25,675 square feet
Residence B (RB)	48,558 square feet
Residence C (RC)	94,039 square feet
Residence D (RD)	95,315 square feet

Since the Marion Zoning Bylaw allows an accessory apartment without a special permit in the LB district, each lot in the LB district was assumed to have a primary dwelling and an apartment at build-out.

Preliminary division of land into the eleven categories in the Information Compiled Regarding Residential Land Use in Marion, Massachusetts ([Appendix A](#)) was done to make a draft listing of the land that could not be further subdivided based on lot size, existing land use, and the applicable zoning district. There was debate in 1999 as to whether to include the town owned open space parcels that have no formal open space protection. To reflect the uncertainty of the status of these lots, a separate analysis was done in this report as well as in 2005 and 1999.

Many lots are too small to be developed (less than 5,000 square feet) or are unlikely to be developed due to lack of access for subdivision purposes, or wetland considerations. These lots were combined with the “Church Lots” (*see* Land Use Category 11 in “[Appendix A: nformation Compiled Regarding Residential Land Use in Marion, Massachusetts](#)”) and no further analysis beyond an accurate inventory of those lots was needed. The preliminary information created regarding these three groups of lots is given below

Parcels not further Subdividable ([Map 11](#)) - comprising 2,277 acres, build-out at 3314 units. Many of these lots have existing structures. Includes Land Use Categories 1, 2, 4, 6 and 11. (See [Appendix A](#))

Unprotected Town-owned Open Space ([Map 12](#)) - does not include salt marsh lots restricted by M.G.L. Chapter 130, section 105; comprises almost a half acre, build-out at 1 unit (Category 10; see explanation in [Appendix A](#)) .

Church Lots and Misc. Undevelopable Land (Map 13) - Includes lots in Land Use Category 11 (see explanation in [Appendix A](#)); comprises 183 acres.

When the layers above were created and removed from the parcels available for future development or redevelopment, there were 2,562 acres remaining or 28% of the town ([map 14](#)). The area shown on [map 14](#) represents the parcels that would be responsive to zoning changes relative to their effect on the residential build-out.

To determine the residential development potential of these parcels, which include both empty land and partially developed parcels, the effect of wetlands on the lots must be considered. Core wetlands ([map 15](#)) are mapped by the Department of Environmental Protection Wetland Conservancy Program (DEP-WCP). While wetlands may be included as a contribution for part of the minimum lot size requirements, the combination of the wetland exclusion requirements for residential properties and the mapping procedures of the Wetland Conservancy Program make it possible to exclude the DEP-WCP wetland area for the computation of lot size in the residential districts. The core wetlands in the residential district of the 2,562 acres account for 590 acres, leaving 1,972 acres, or 22% of the town, for further development. A table showing the distribution of the 1,972 acres by zoning district is provided below. (In commercial areas, Zoning Districts MB, GB, LI, and LB, there is no wetland exclusion and the wetland coverage was used to determine only if there was a minimum area (1,000 square feet).)

Zoning District	Acres
Residence A	12
Residence B	29
Residence C	230
Residence D	1554
General Business	61
Limited Business	5
Marine Business	13
Limited Industrial	68

Results

Based on an analysis of wetlands and the velocity zone and specific subdivision decisions that limit further land division, the land areas investigated were placed into final categories as outlined in [Appendix A](#). The BBNEP then conducted calculations of the number of existing dwelling units in each land use category ([map 16](#)) and the corresponding build-out potential. The final number of units at build-out is given below for each zoning district.

Table 3. Build-Out results by Zoning District		
Zoning District	Total # Potential Units	Projected Growth
RA	326	71
RB	632	66
RC	1211	236
RD	1499	728
RE	34	8
GB	409	162
MB	70	40
LB	110	59
LI	163	150
Tabor*	68*	41*
Town Owned, Unprotected Open Space*	1*	1*
TOTALS	4523*	1550*

* During the presentations of the 1999 build-out information, public comments were made regarding the assumptions of future use for the town owned, unprotected open space parcels, and the land owned by Tabor Academy. Build-out calculations are based on the existing zoning and what that zoning would allow in growth over time. For the purposes of this build-out report, no assumptions were made regarding the future intentions of landowners. However, based on questions and comments made regarding the 1999 report, the BBNEP has separated these two land owners from the rest of the town for informational purposes.

More detailed information for these calculations is available in Tables 4-6, where existing development and buildout potential is provided by land use category (1 through 11) and by zoning district.

Table 4: Existing Conditions indicates what the existing conditions are for residential land use in each land use category and zoning district. Based on the information available to the BBNEP the existing number of dwellings units is 2,971¹.

Table 4. Existing Conditions

	Land Use Category	1	2	3	4	5	6	7	8	9	10	11
Zoning District	Totals											
GB	247	15	26	18	0	0	172	16	0	0	0	0
MB	30	2	25	3	0	0	0	0	0	0	0	0
LB	51	16	23	0	0	0	4	8	0	0	0	0
LI	13	12	0	0	0	0	0	1	0	0	0	0
RA	255	20	230	4	0	0	0	1	0	0	0	0
RB	567	62	487	8	0	0	9	0	0	1	0	0
RC	1011	267	709	9	0	0	0	0	0	26	0	0
RD	771	266	426	47	0	0	30	2	0	0	0	0
RE	26	0	0	0	0	0	26	0	0	0	0	0
Totals	2971	660	1926	89	0	0	241	28	0	27	0	0

Table 5: Final Build-out provides information by land use category and zoning district for the build-out using the existing zoning provisions. Since the provisions for special permits regarding accessory apartments are fairly non-restrictive, a separate line has been added to show the effect of second units at each location.

Table 5. Growth By District

	Land Use Category	1	2	3	4	5	6	7	8	9	10	11
Zoning District	Totals											
GB	162	0	0	13	17	43	0	9	80	0	0	0
MB	40	0	0	3	6	6	0	0	25	0	0	0
LB	59	0	29	0	4	4	0	4	18	0	0	0
LI	150	0	0	0	1	103	0	0	46	0	0	0
RA	71	0	0	12	57	2	0	0	0	0	0	0
RB	67	0	0	8	50	2	0	0	6	1	0	0
RC	267	0	0	19	163	39	0	0	5	40	1	0
RD	728	0	0	218	95	413	0	0	2	0	0	0
RE	8	0	0	0	0	0	8	0	0	0	0	0
Totals	1552	0	29	273	393	612	8	13	182	41	1	0

Table 6: Growth by District again provides information by land use category and zoning district to show where growth may occur.

Table 6. Final Built-out

	Land Use Category	1	2	3	4	5	6	7	8	9	10	11
Zoning District	0											
GB	409	15	26	31	17	43	172	25	80	0	0	0
MB	70	2	25	6	6	6	0	0	25	0	0	0
LB	110	16	52	0	4	4	4	12	18	0	0	0
LI	163	12	0	0	1	103	0	1	46	0	0	0
RA	326	20	230	16	57	2	0	1	0	0	0	0
RB	634	62	487	16	50	2	9	0	6	2	0	0
RC	1278	267	709	28	163	39	0	0	5	66	1	0
RD	1499	266	426	265	95	413	30	2	2	0	0	0
RE	34	0	0	0	0	0	34	0	0	0	0	0
Totals	4523	660	1955	362	393	612	249	41	182	68	1	0
w/apts	8008	660	3849	686	786	1224	249	62	364	126	2	0

For further questions regarding these figures, please contact [John Rockwell](#) at the Buzzards Bay Project office, #508-291-3625, x14.

Sources and Accuracy:

The analysis was performed using a Geographical Information System (GIS). Known errors have been noted below. Overall, errors in data of $\pm 2\%$ should not be unexpected. Errors in the data can occur in three ways:

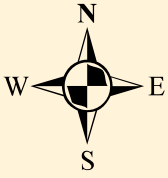
1. Land use characterizations were based on assessors' data from [Vision](#). Occupancy information and [use codes](#) sometimes conflicted. Discrepancies were resolved as best as possible using aerial photographs from MassGIS.
2. No GIS assessor mapping is survey accurate.
3. There may be restrictions on the subdivision and/or development of parcels not reflected in the Assessor's [Land Use Codes](#).

Notes

















1. (Table 4) This number includes permitted affordable housing projects.

Town of Marion Zoning Districts 2009

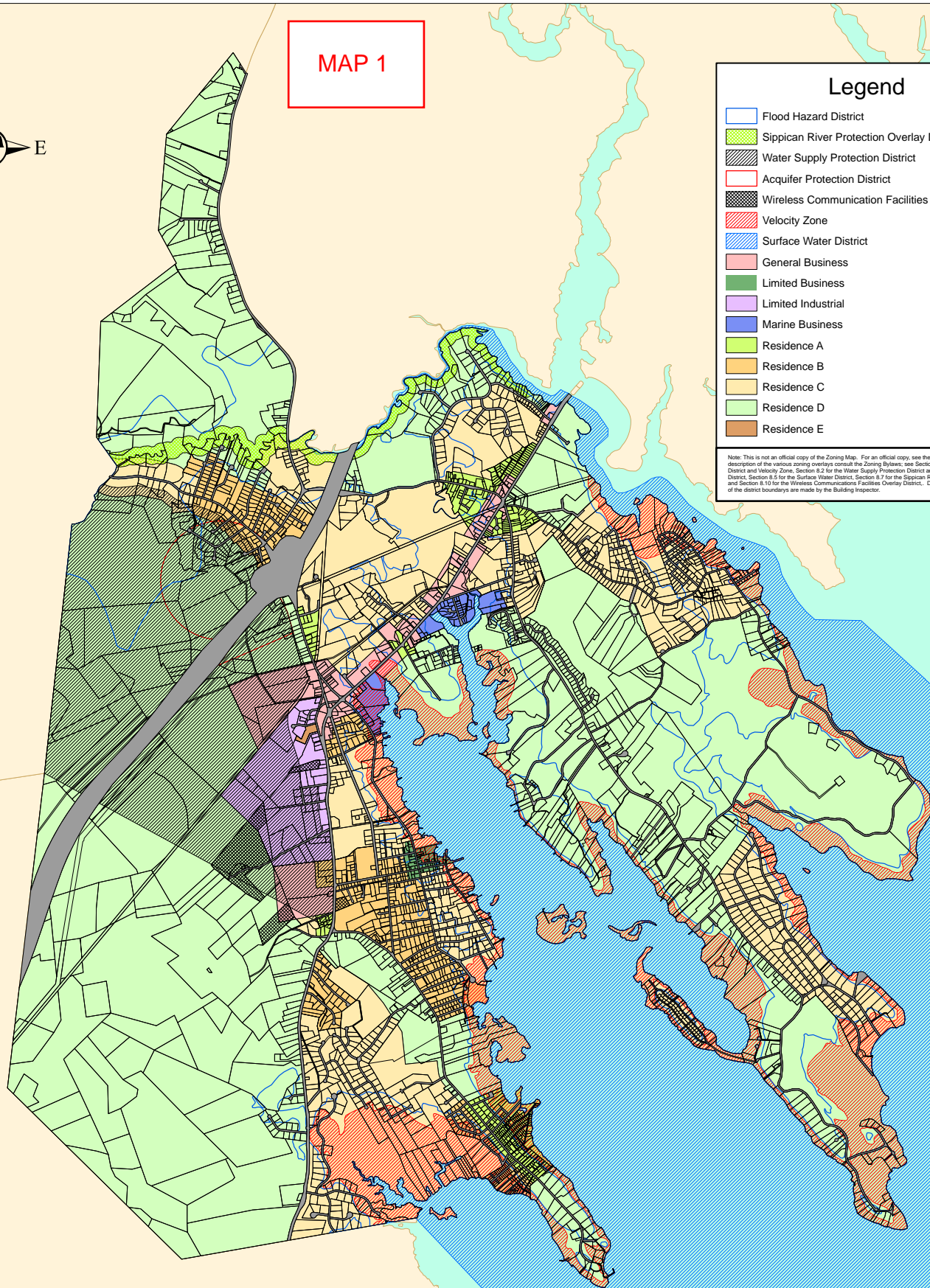
MAP 1

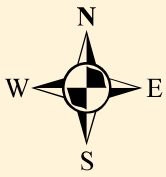


Legend

-  Flood Hazard District
-  Sippican River Protection Overlay District
-  Water Supply Protection District
-  Acquirer Protection District
-  Wireless Communication Facilities Overlay District
-  Velocity Zone
-  Surface Water District
-  General Business
-  Limited Business
-  Limited Industrial
-  Marine Business
-  Residence A
-  Residence B
-  Residence C
-  Residence D
-  Residence E

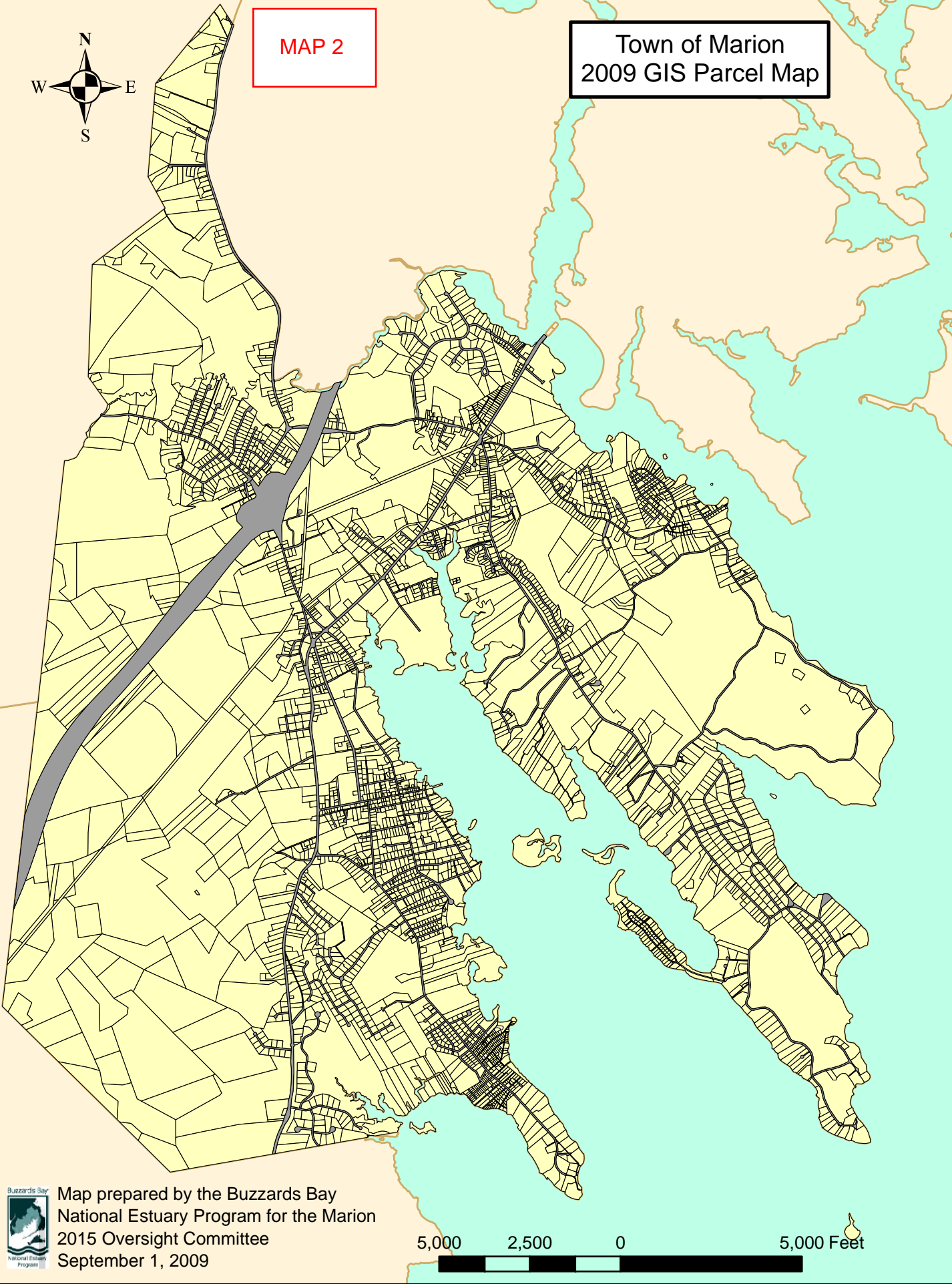
Note: This is not an official copy of the Zoning Map. For an official copy, see the Town Clerk. For a legal description of the various zoning overlays consult the Zoning Bylaws: see Section 8.1.1 for the Flood Hazard District and Velocity Zone, Section 8.2 for the Water Supply Protection District and Acquirer Protection District, Section 8.5 for the Surface Water District, Section 8.7 for the Sippican River Protection Overlay District, and Section 8.10 for the Wireless Communications Facilities Overlay District. Decisions on the location of the district boundaries are made by the Building Inspector.



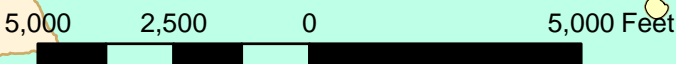


MAP 2

Town of Marion
2009 GIS Parcel Map



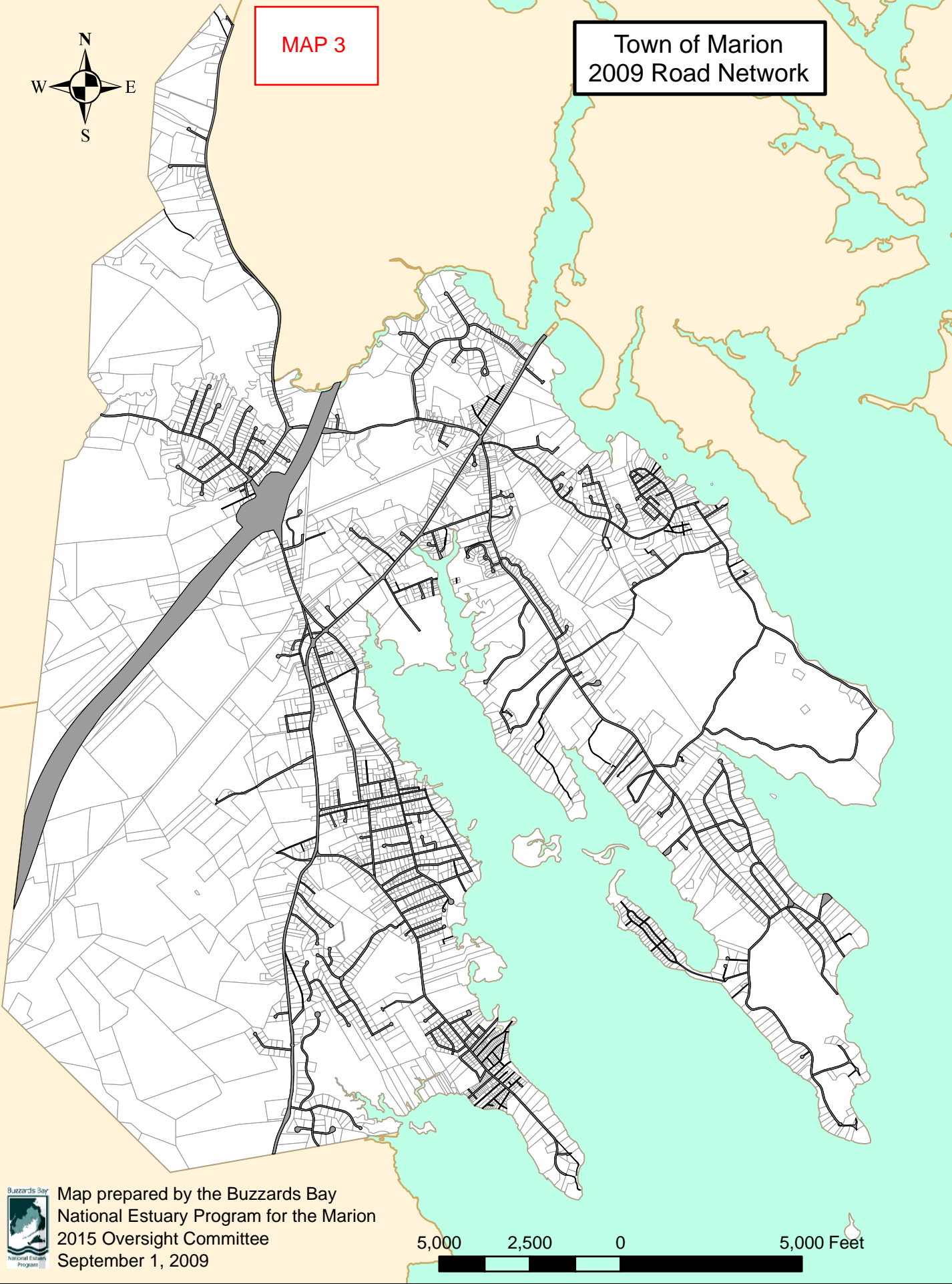
Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
September 1, 2009



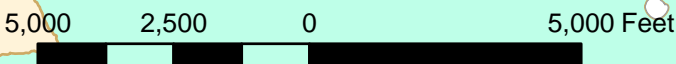


MAP 3

Town of Marion
2009 Road Network



Map prepared by the Buzzards Bay
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September 1, 2009

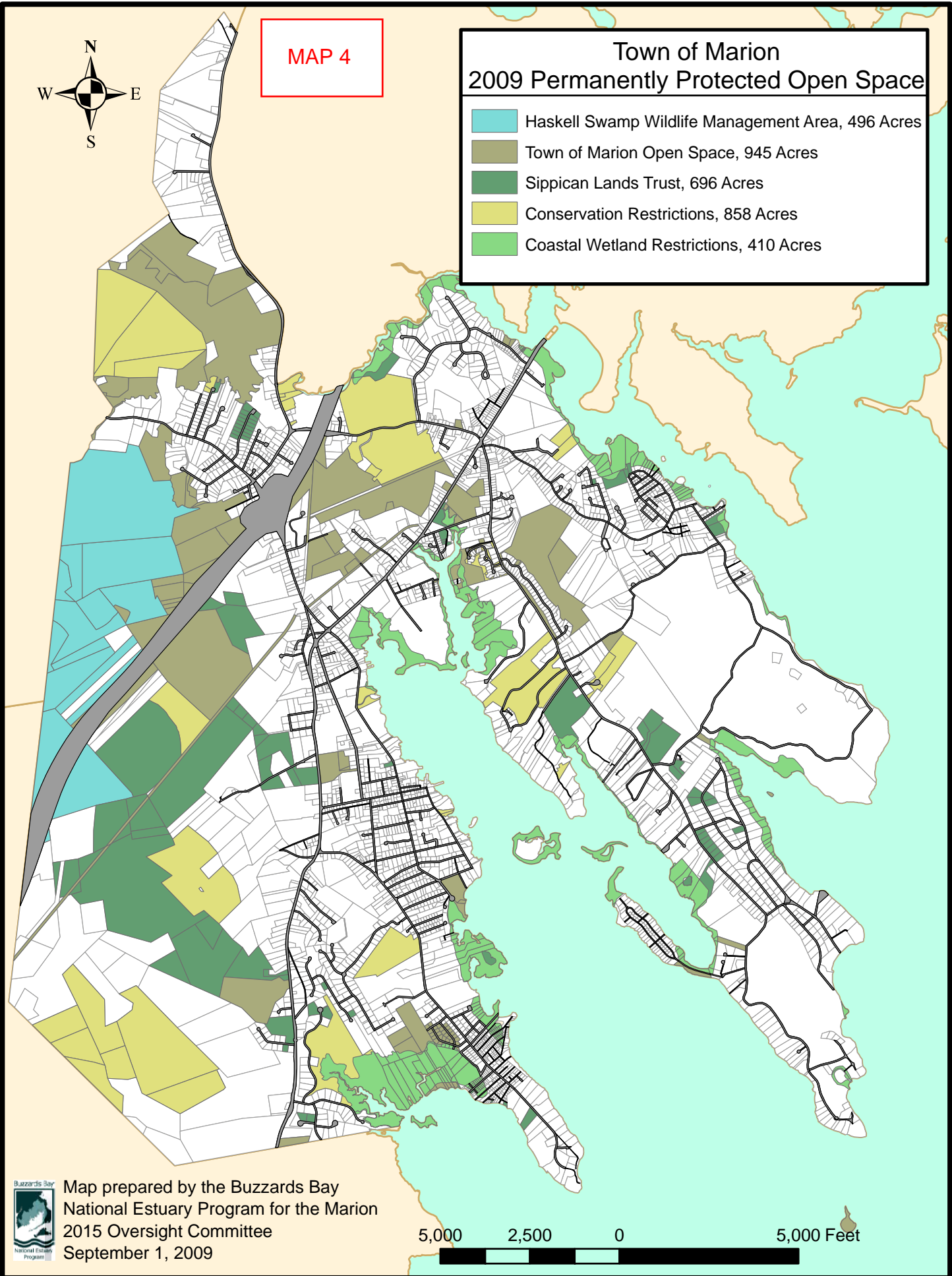




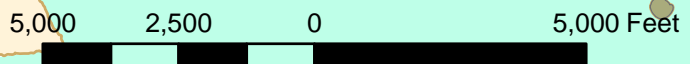
MAP 4

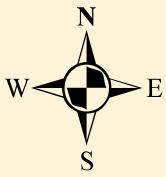
Town of Marion 2009 Permanently Protected Open Space

	Haskell Swamp Wildlife Management Area, 496 Acres
	Town of Marion Open Space, 945 Acres
	Sippican Lands Trust, 696 Acres
	Conservation Restrictions, 858 Acres
	Coastal Wetland Restrictions, 410 Acres



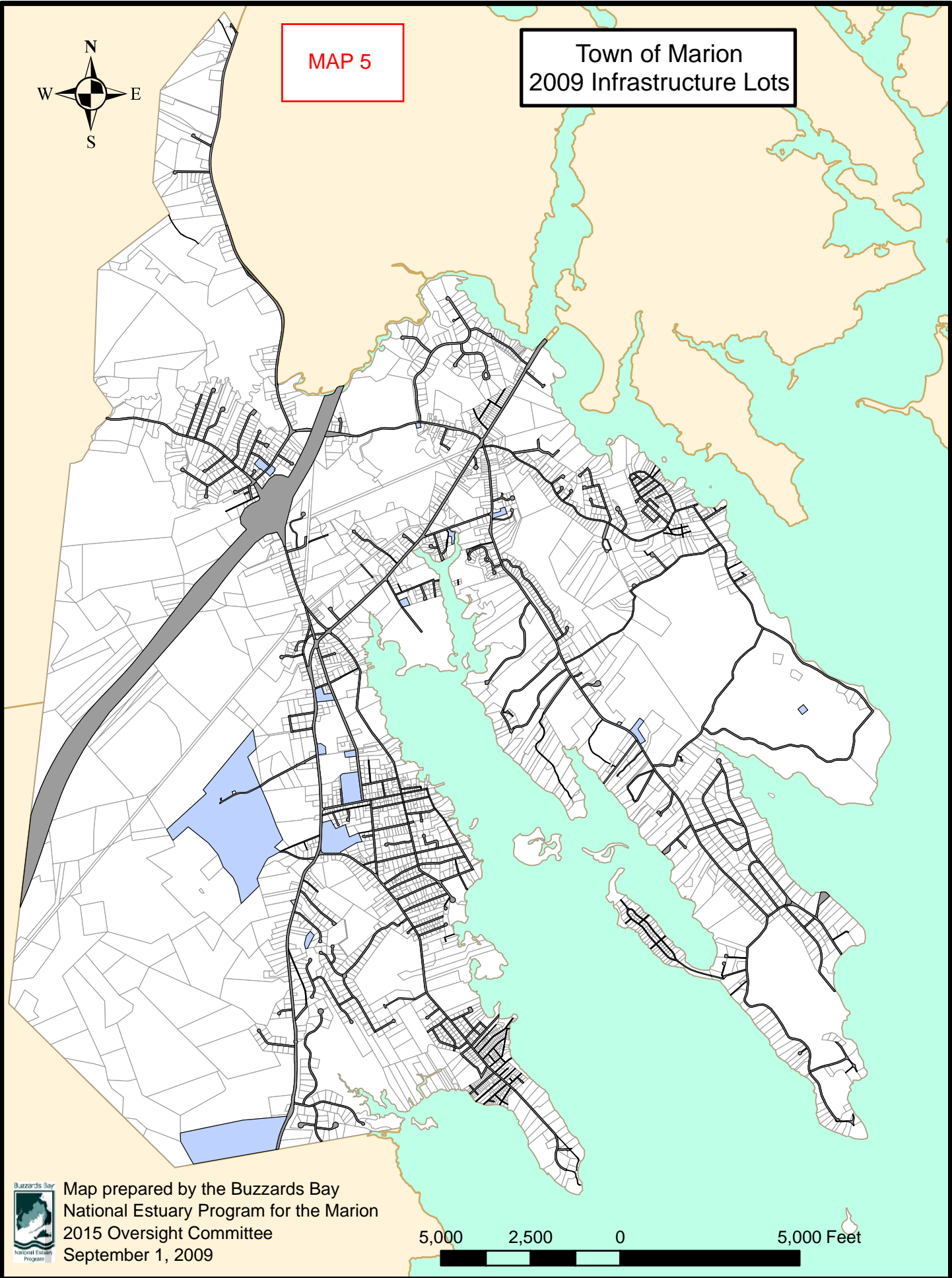
Map prepared by the Buzzards Bay
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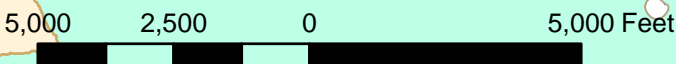


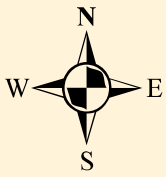
MAP 5

Town of Marion
2009 Infrastructure Lots



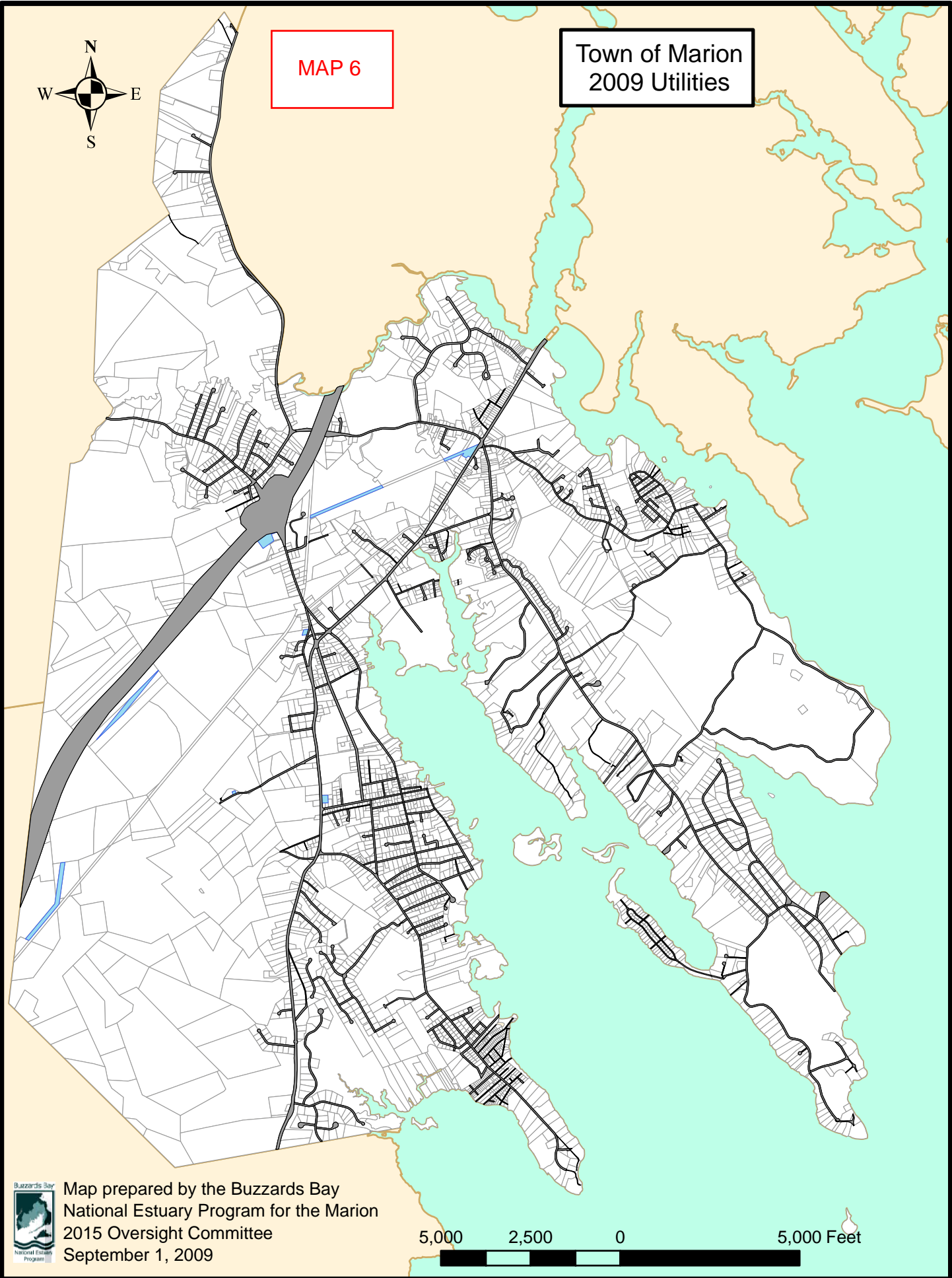
Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
September 1, 2009



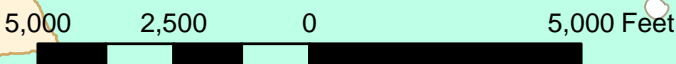


MAP 6

Town of Marion
2009 Utilities



Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
September 1, 2009

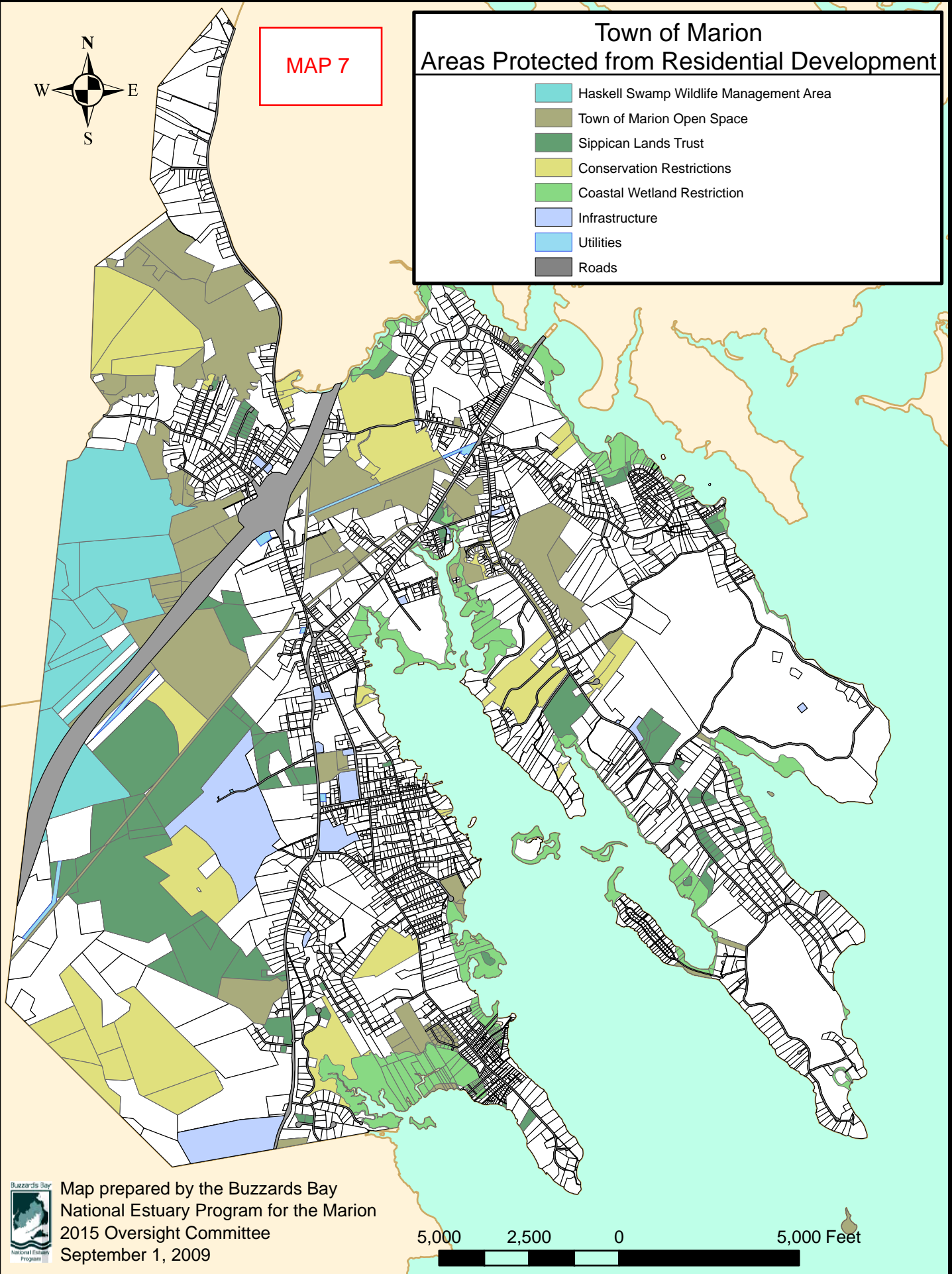




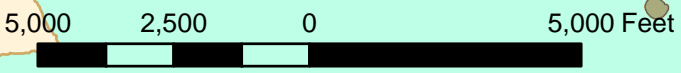
MAP 7

Town of Marion Areas Protected from Residential Development

- Haskell Swamp Wildlife Management Area
- Town of Marion Open Space
- Sippican Lands Trust
- Conservation Restrictions
- Coastal Wetland Restriction
- Infrastructure
- Utilities
- Roads



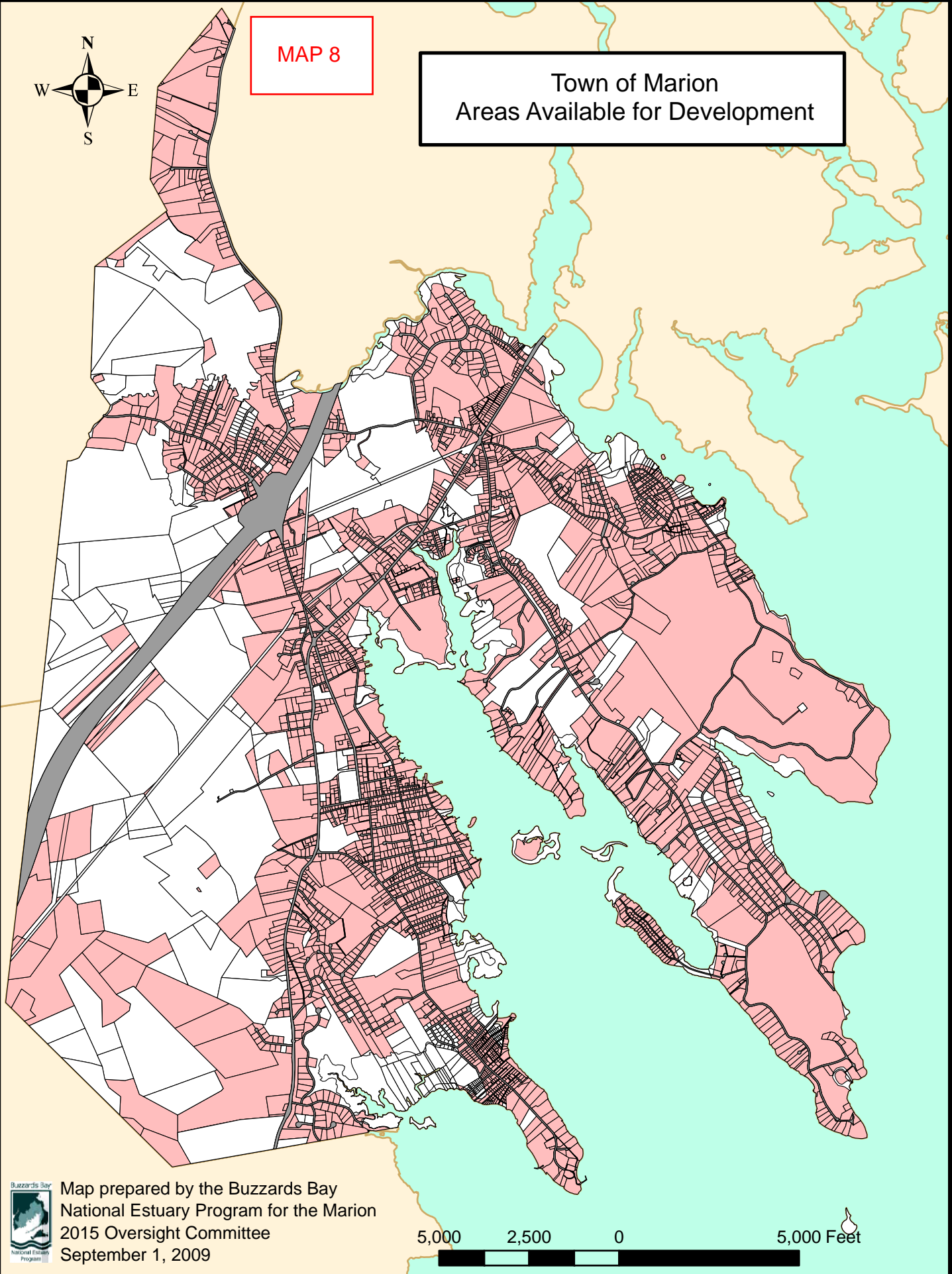
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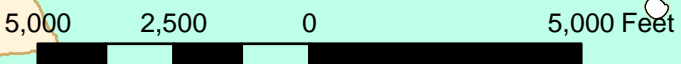


MAP 8

Town of Marion
Areas Available for Development



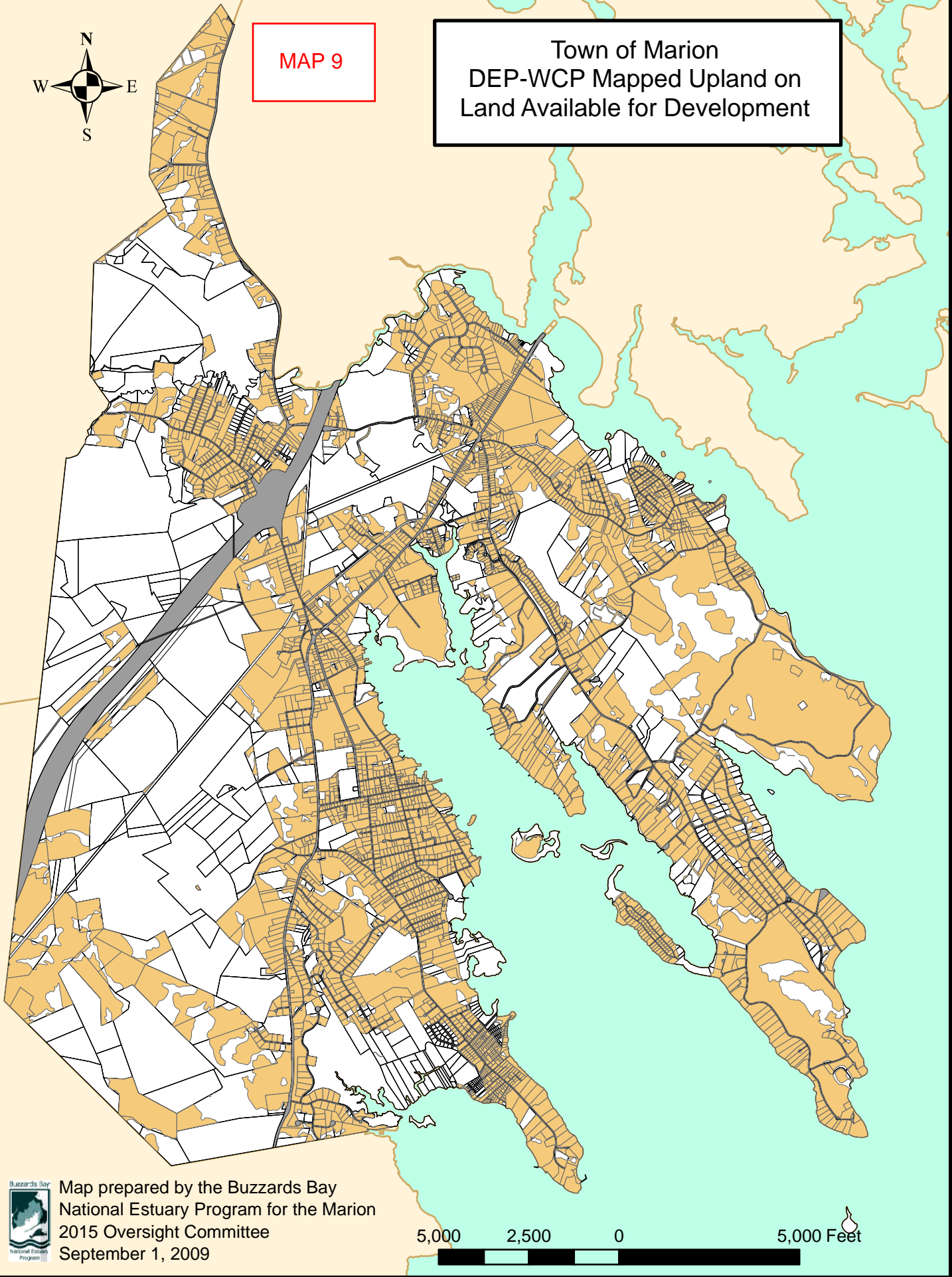
Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
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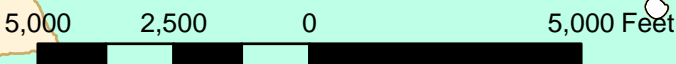


MAP 9

Town of Marion
DEP-WCP Mapped Upland on
Land Available for Development



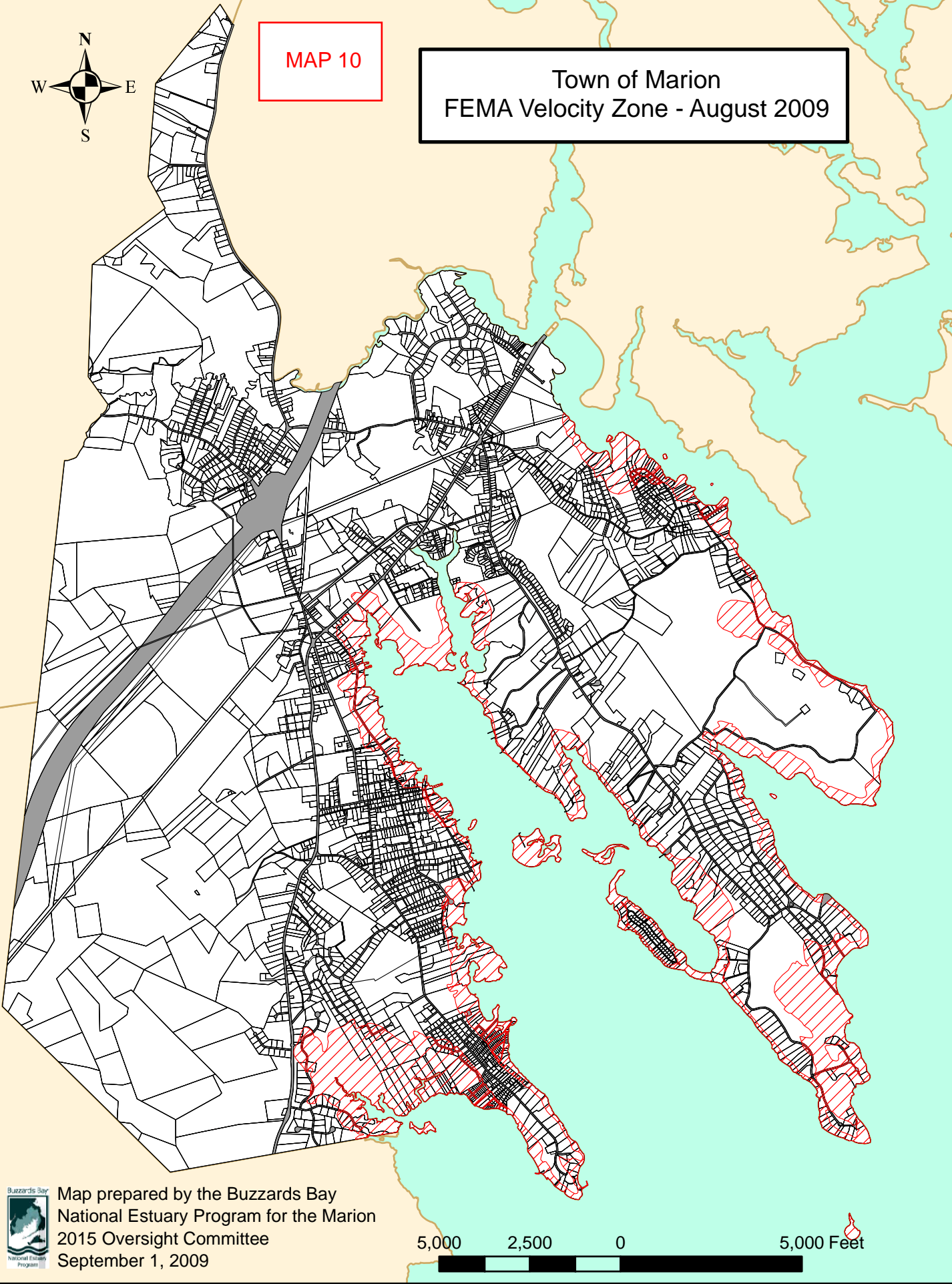
Map prepared by the Buzzards Bay
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2015 Oversight Committee
September 1, 2009





MAP 10

Town of Marion
FEMA Velocity Zone - August 2009



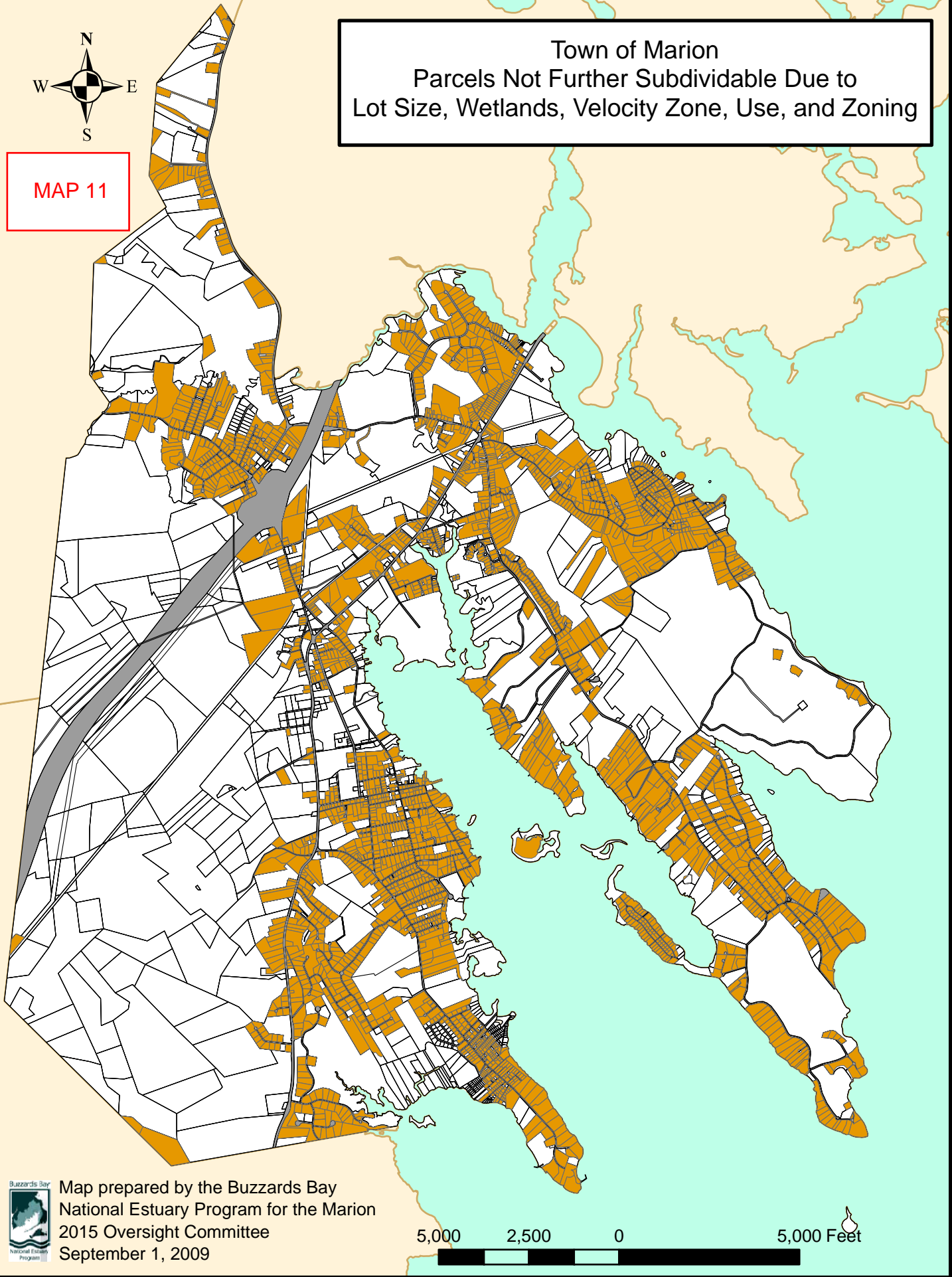
Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
September 1, 2009

5,000 2,500 0 5,000 Feet



MAP 11

Town of Marion
Parcels Not Further Subdividable Due to
Lot Size, Wetlands, Velocity Zone, Use, and Zoning



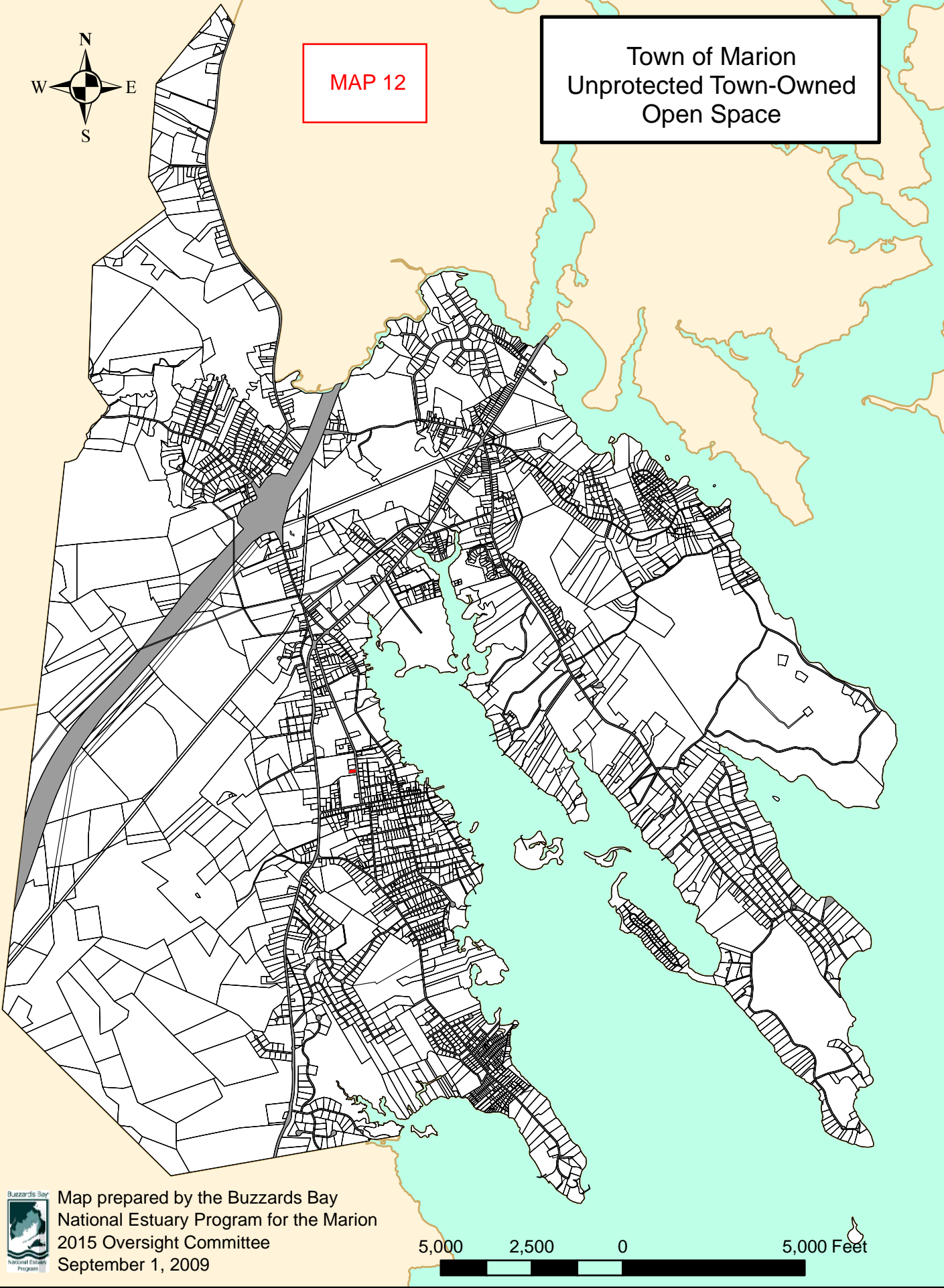
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5,000 2,500 0 5,000 Feet



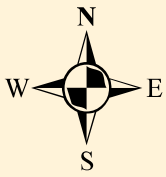
MAP 12

Town of Marion
Unprotected Town-Owned
Open Space



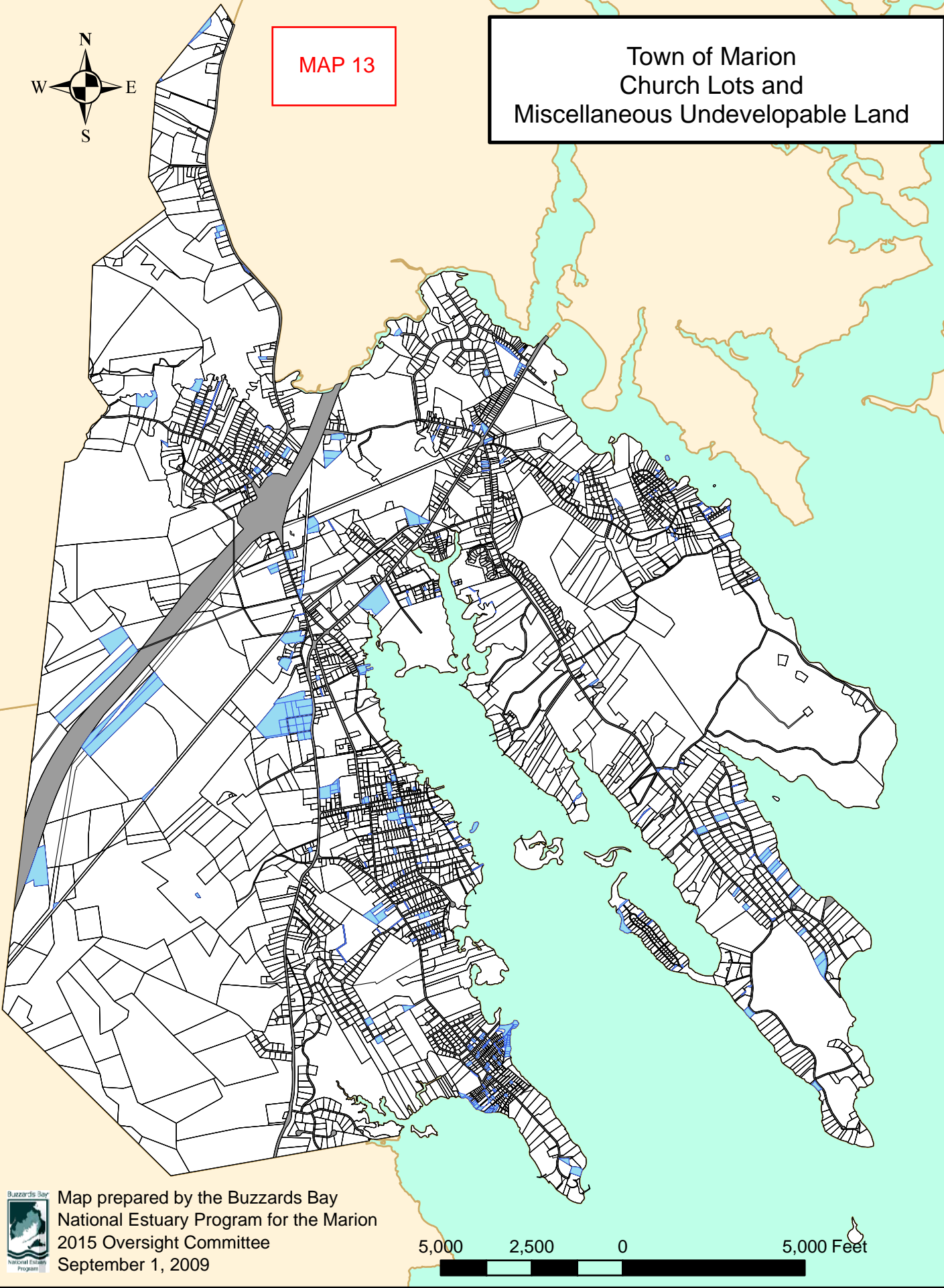
Map prepared by the Buzzards Bay
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5,000 2,500 0 5,000 Feet

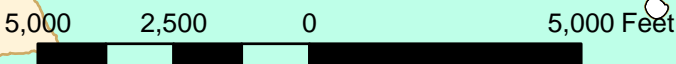


MAP 13

Town of Marion
Church Lots and
Miscellaneous Undevelopable Land



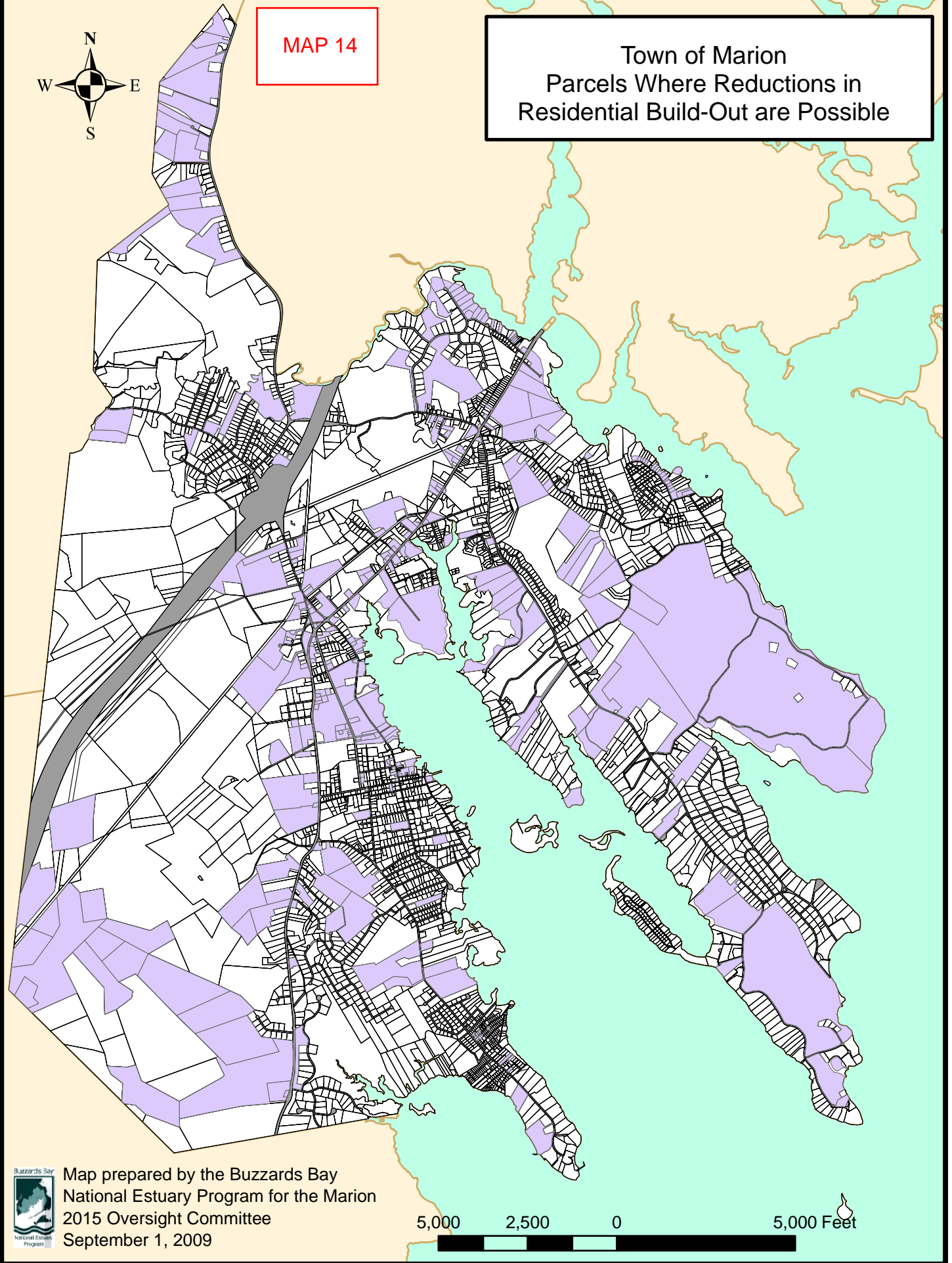
Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
September 1, 2009





MAP 14

Town of Marion
Parcels Where Reductions in
Residential Build-Out are Possible



Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
September 1, 2009

5,000 2,500 0 5,000 Feet



MAP 15

Town of Marion
Core Wetlands Mapped by
Department of Environmental Protection
Wetland Conservancy Program

Rochester

Wareham

Marion

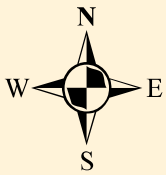


Map prepared by the Buzzards Bay
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5,000 2,500 0 5,000 Feet

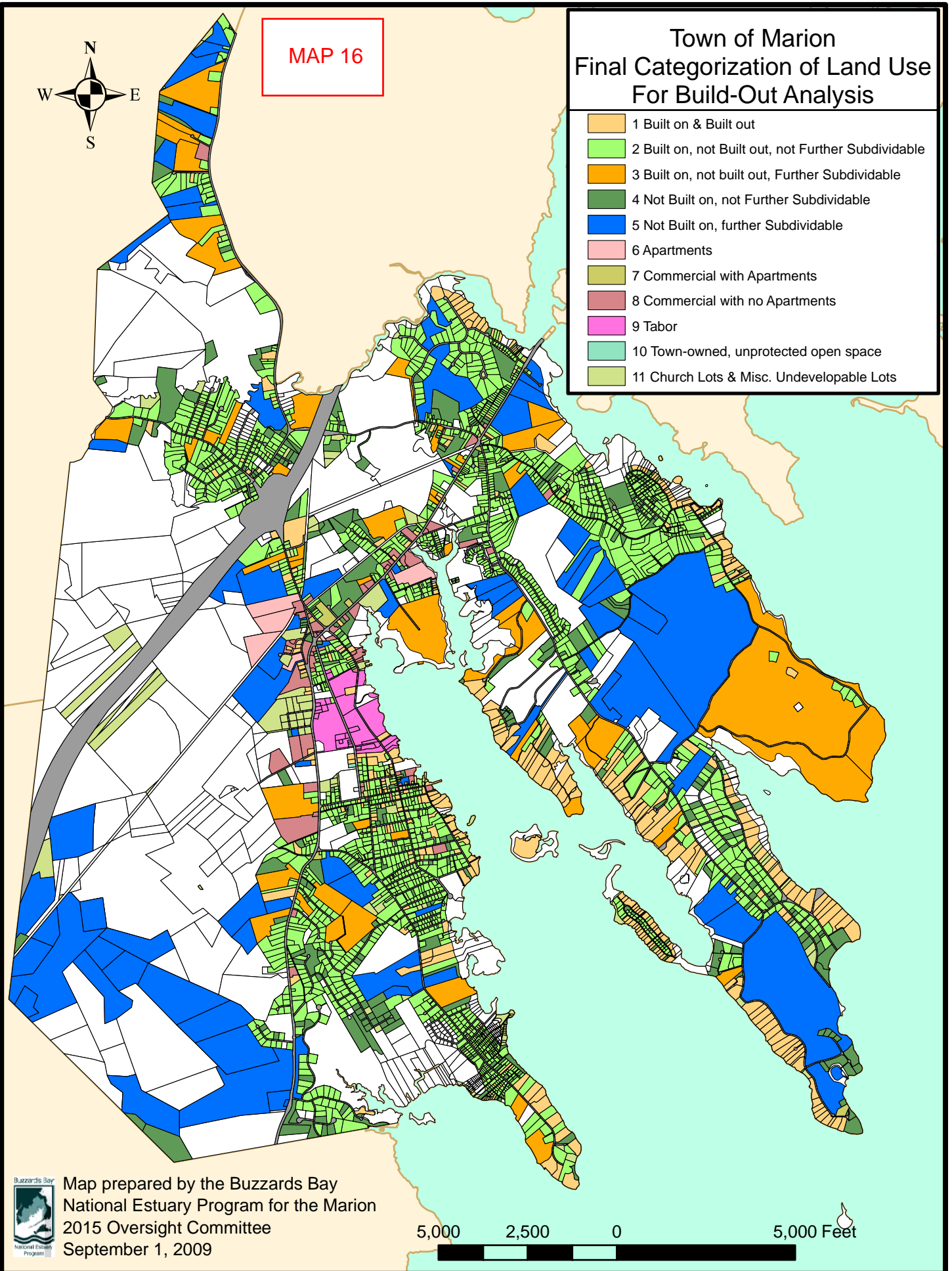


MAP 16



Town of Marion Final Categorization of Land Use For Build-Out Analysis

- 1 Built on & Built out
- 2 Built on, not Built out, not Further Subdividable
- 3 Built on, not built out, Further Subdividable
- 4 Not Built on, not Further Subdividable
- 5 Not Built on, further Subdividable
- 6 Apartments
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- 10 Town-owned, unprotected open space
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Map prepared by the Buzzards Bay
National Estuary Program for the Marion
2015 Oversight Committee
September 1, 2009

5,000 2,500 0 5,000 Feet



Information Compiled Regarding Residential Use in Marion Massachusetts

Prepared for the Marion 2015 Oversight Committee
September 3, 2009

For determining the “build -out” of the Town, the Buzzards Bay National Estuary Program (BBNEP) created eleven categories of land to describe the different characteristics that would affect the build-out calculations. Each category has different land use characteristics. The table below shows the categories, whether the build-out number would be affected by a zoning change to a larger lot size, the number of existing units, and the total number of units under existing zoning are provided in the table below. Restrictions on development due to wetlands have been considered in the computation of the build-out numbers using the Department of Environmental Protection, Wetland Conservancy Program (DEP-WCP) data available at MassGIS. Definitions of the terms used to describe the categories are provided below the table.

Not all of the 3634 parcels were included in the analysis. Permanently protected open space, town infrastructure lots, utilities, and DEP-WCP mapped wetlands were removed from consideration as described in “Build-Out Analysis for Marion, Massachusetts, Using Existing Zoning.” Lots that were not shown to contain at least 500 square feet of mapped upland area were dropped from further consideration. This reduced the lots investigated to 3253 separate parcels. In the “# Existing Units” column, information is given for the existing number of units today, the number of units reported in the 2005 build-out is in parentheses. The “Total # Potential Units” column has three pieces of information: the 2009 build-out based on no special permits being issued for second residential units (accessory apartments) in bold, the 2009 build-out with every lot receiving a special permit for a second residential unit, and the 2005 build-out based on a second residential unit for each lot in parenthesis.

<u>Categories of lots (buildable)</u>	<u>Affected by</u> <u>Increased</u> <u>Lot Size?</u>	<u># Existing</u> <u>Units</u>	<u>Total</u> <u># Potential</u> <u>Units</u>
1. Built on & Built out	No	660 (232)	660 , 660 (232)
2. Built on, not built out, not further subdividable	No	1926 (2051)	1955 , 3849 (4130)
3. Built on, not built out, further subdividable	Yes	89 (70)	362 , 686 (788)
4. Not built on, not further subdividable	No	0	393 , 786 (1267)
5. Not built on, further subdividable	Yes	0	612 , 1224 (1396)
6. Apartment Buildings, Condos	No	241 (126)	249 , 249 (134)
7. Commercial Buildings with Apts.	No	28 (35)	41 , 62 (59)
8. Commercial Buildings w/o Apts.	Yes	0	181 , 364 (556)
9. Tabor	Yes	27 (0)	68 , 126 (94)
10. Town owned unprotected open space	Yes	0	1 , 2 (185)

11. Church lots, and other undevelopables	No	<u>0</u>	<u>0</u>
TOTALS		2,971 (2,514)	4,523, 8,894 (8,841)

Definitions:

1. **Built on & Built out:** Includes lots where there are two units (either a single family home and an in-law apartment, or a two family house) and there is no further opportunity for subdivision of land due to a combination of lot size, uplands and velocity zone designation. Also included are lots in the Limited Industrial District that are not further subdividable that have one residential unit.¹
2. **Built on, not built out, not further subdividable:** Includes lots that have one dwelling unit and are not further subdividable due to a combination of lot size, uplands and velocity zone designation. Under existing zoning, each of these lots may have an apartment in the future by special permit. In the Limited Business District, no Special Permit is required for a second unit.
3. **Built on, not built out, further subdividable:** Each of these lots may be subdivided to create more building lots. Most of these lots have only one unit, although a few have two units.
4. **Not built on, not further subdividable:** These are empty lots that under existing zoning can have a house and an apartment by special permit, and are not further subdividable due to a combination of lot size, uplands and velocity zone designation. These lots are commonly referred to as “grandfathered lots” and are generally protected from zoning changes by state law and the Marion Zoning Bylaw. Some of these lot may have no frontage, but have subdivision potential when combined with an adjacent parcel.
5. **Not built on, further subdividable:** These are empty lots that can be further subdivided. Some of these lot may have no frontage, but have subdivision potential when combined with an adjacent parcel.
6. **Apartment Buildings:** Includes lots that were approved by either special permits, variances, by special district (Residence E), the Tremont Campground, or created before zoning. These lots are not further subdividable due to lot size or the number of units on them already. Included here is the proposed little Neck Village expansion, the Baywatch Realty Trust project (at the number recently approved by the ZBA) and 5 apartments recently approved at the Marion marketplace.
7. **Commercial Buildings with Apts:** Includes existing commercial buildings with apartments.
8. **Commercial Buildings without Apts.:** Includes lots that have existing commercial buildings without apartments. Under existing zoning, some of these lots have potential for further subdivision. (Includes VFW lot on Route 6, but not the engineering related uses in the Limited Industrial District²)

¹Residential use in the LI district is by special permit only. It was felt by the BBNEP that it was unlikely that a second special permit would be issued for a second unit on the same lot, as this was inconsistent with intent to limit residential use in this district.

² Since residential use in the LI district is by special permit it was felt that it was unlikely that the ZBA would allow the conversion of an existing commercial use to a residential use. In

9. Tabor: Includes all the properties owned by Tabor Academy. A few of these lots contain single family dwellings housing Tabor Academy staff and their families. Some have multiple housing units for staff.
10. Town-owned unprotected open space: This is vacant land the town owns which has not been designated for a future use, or has been designated as open space and recreation but has not been legally designated as such. The sole parcel, adjacent to Holmes Woods, was purchased by the town for school use
11. Church lots, and other undevelopables: Includes the churches, rectories, Penny Pincher's, Music Hall, Post Office, Nursing Home and miscellaneous small undevelopable lots due to location (no possibility of subdivision road access) lot size or the presence of wetlands. This category also includes the lots in the Limited Industrial District that have an existing engineering related use.

addition, some of the uses in the district are incompatible with residential use due to the nature of the work being performed.