

Article ____ (Open Space Residential Development)

To see if the Town will vote to amend Section 8.4, Open Space Residential Development, of the Medway Zoning Bylaw as follows, new text shown in **bold**, deleted text shown in ~~striketrough~~:

OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

A. **Purposes.** The purposes of open space-residential development (OSRD) are to preserve open space, agricultural and forestry land, view sheds, wildlife habitat and corridors, wetlands and water resources, and historical and archeological resources; minimize the total amount of disturbance on a site; encourage more efficient development that consumes less open land and respects existing topography and natural features better than a conventional or grid subdivision; encourage flexibility and creativity in the design of residential developments; and ~~through flexible design and more efficient use of land, facilitate the provision of a greater~~ variety of housing opportunities in the Town.

B. **Applicability.** ~~The Planning and Economic Development Board may grant a special permit for an OSRD concept plan for any tract of land with~~ **OSRD projects are permitted by-right on any tract of land with 10 5** or more contiguous acres in the AR-I or AR-II district, ~~or a tract of land with less than 10 acres if such property directly abuts the Charles River, Chicken Brook, or Hopping Brook and land abutting any of these waterways is included in the minimum required open space under sub-section F, Common Open Space (below).~~ For the purposes of this Section 8.4, parcels directly opposite each other on an existing street, each with at least 25 feet of frontage on the same 25-foot section of roadway, may be considered contiguous if they have practical development potential as determined by the Planning and Economic Development Board.

Land Division. ~~The OSRD may be a subdivision or a division of land pursuant to G.L. c. 41, § 81P, or a condominium on land not so divided or subdivided.~~

C. **Affordable Housing.** An OSRD is subject to Section 8.6 Affordable Housing of this Bylaw.

D. **Use Regulations.** An OSRD ~~special permit~~ may provide for ~~any of~~ the following uses as determined by the Planning and Economic Development Board:

1. Detached single-family dwellings
2. Two attached single-family dwellings

E. **Density and Dimensional Regulations.**

1. The number of dwelling units allowed in an OSRD shall be determined by ~~the Planning and Economic Development Board~~ **the maximum number of lots shown on a conventional subdivision plan subject to Section 6.1 – TABLE 2 and the OSRD Rules and Regulations without waivers of any kind** ~~a Yield Analysis as described in Paragraph J below~~

2. The Planning and Economic Development Board may waive the applicable minimum lot area, lot shape, minimum lot frontage, and other bulk requirements for lots within an OSRD, subject to the following:

a. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD ~~unless such reduced lots are consistent with established development patterns in the neighborhood, as determined by the Planning and Economic Development Board.~~

b. The minimum lot frontage shall be 50 feet.

c. The minimum front setback shall be 25 feet unless a reduction is authorized by the Planning and Economic Development Board.

d. The minimum lot area per unit shall be 50 percent of the minimum lot area in the district in accordance with Section 6 of this Zoning Bylaw. **For a two-family house, the minimum lot area shall be 22,500 square feet.**

3. The ~~fifteen~~ **ten-foot** area from the side and rear lot lines of the subject parcel shall serve as a buffer area as defined in this Bylaw. No buildings, structures, roadways, above ground utilities or other infrastructure shall be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted.

~~No buildings or structures shall be constructed within fifty feet from the street right-of-way line of a public way or within fifty feet from the side and rear lot lines.~~

4. In order to allow flexibility and creativity in siting buildings while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation (linear feet)
Single family detached dwelling units with 2500 sq. ft. or less of habitable space	20
Two attached dwelling units with an average of 2500 sq. ft. or less of habitable space each	
Single family detached dwelling units with more than 2500 sq. ft. of habitable space	30
Two attached dwelling units with an average of 2500 sq. ft. or more of habitable space each	

The calculation of average separation distances shall be based on buildings that can be connected with an imaginary line that does not cross a roadway. On a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as

garages up to two bays and one-story sheds that do not require a building permit shall not be considered in calculating the distances between buildings.

F. Common Open Space. The OSRD must provide Common Open Space to be protected in perpetuity. Common Open Space shall comprise at least **40 percent of the site for parcels of 10 acres or less**, 50 percent of the site for parcels of 25 acres or less, and at least 60 percent of the site for parcels of more than 25 acres. The Common Open Space shall not be further subdivided, and a notation to this effect shall be placed on the plan to be recorded with the Norfolk Registry of Deeds. The following standards apply to the Common Open Space in an OSRD.

1. Use, Shape, and Location.

a. Common Open Space shall be functional for wildlife habitat, passive recreation, resource preservation, agriculture or equestrian uses.

b. To the maximum extent feasible, the Common Open Space shall be undisturbed, unaltered and left in its natural or existing condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area. Not more than 10 percent of the open space may be covered by gravel roadways, pavement or structures accessory to the dedicated use or uses of the open space. However, principal or accessory structures and access roads essential to an agricultural use are exempt from this limitation.

c. While protecting natural resources is a primary goal of this Section 8.4, the Common Open Space may provide for recreation areas such as commons, parks, **walking trails**, and playgrounds.

~~d. The percentage of open space that includes wetlands shall not exceed the percentage of the site that includes wetlands unless waived by the Planning and Economic Development Board.~~ **No more than 50 percent of Common Open Space shall contain wetlands.**

e. Wherever feasible, the Common Open Space shall be contiguous, and linked to other existing open space.

f. The following shall not qualify for inclusion in the Common Open Space unless approved by the Planning and Economic Development Board:

- 1) Existing or proposed utility easements;
- 2) Surface stormwater management systems or sub-surface drainage, septic, and leaching systems pursuant to Title 5;
- 3) Land within ~~30~~**50** feet of any dwelling unit;
- 4) Median strips, landscaped areas within parking areas, or narrow, unconnected strips of land.
- 5) The perimeter buffer as required under sub-section ~~F~~ E above.

2. **Ownership.** Common Open Space shall be conveyed in accordance with G.L. c. 40A, § 9: either to the Town and accepted by it for a park or open space use, or to a nonprofit organization the principal purpose of which is the conservation of open space, or to a corporation or trust owned by the owners of lots or residential units within the project, or any combination of the above. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units in perpetuity. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in an open or natural state and not to be built for residential use or developed for accessory uses such as parking and roadway. The restriction shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, and maintenance.

G. Four-Step Design Process. The proposed layout of streets, dwelling units, and open space in an OSRD shall be designed according to the following four-step design process, which the applicant shall conduct with assistance of a registered landscape architect (RLA).

1. Identify primary and secondary conservation areas **and** potential development areas, ~~and features to be preserved.~~ Primary conservation areas shall include wetlands, riverfront areas, and floodplains, and secondary conservation shall include unprotected elements of the natural landscape, e.g., steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats, and historic and archeological sites and scenic views. To the maximum extent feasible, potential development areas shall consist of land outside identified primary and secondary conservation areas.

2. Locate the approximate sites of dwelling units within the potentially developable areas. Include the delineation of private yards and shared amenities so as to reflect an integrated community, emphasizing consistency with the Town's historic development patterns. The number of homes with direct access to the development's amenities should be maximized.

3. Align streets in order to access the house lots or dwelling units. New streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels, and trails on abutting public or private property.

4. Draw in lot lines, where applicable.

H. Pre-Application Process

1. **Pre-Application Review Meeting.** The applicant shall schedule an informal pre-application review meeting at a regular meeting of the Planning and Economic Development Board. The purpose of pre-application review is to allow the applicant to receive feedback from the Planning and Economic Development Board, minimize the applicant's costs of engineering and other technical experts, **and** begin negotiations with the Planning and Economic Development Board at the earliest possible stage in the site design process, ~~and set a timetable for filing a formal OSRD special permit application.~~ The Planning and Economic Development Board shall invite other Town boards to review the pre-application materials and attend the informal pre-application review.

2. Plans and Documentation. At the pre-application review meeting, the applicant shall present a conceptual plan for the site, natural and cultural resources inventories, maps, photographs, and any other information the Planning and Economic Development Board needs in order to understand and respond to the applicant's proposal. Pre-application materials shall be in accordance with the Planning and Economic Development Board's development regulations and may be based on existing sources of information.

3. Site Visit. The applicant shall grant permission to Planning and Economic Development Board, Open Space Committee, and Conservation Commission members and agents to visit the site.

I. General Design Standards. Wherever possible, the Applicant shall address the Planning and Economic Development Board's OSRD General Design Standards, which the Board shall adopt as part of its OSRD Rules and Regulations. The Board may modify or waive any OSRD General Design Standards provided that the proposed OSRD is substantially consistent with the purposes of this Section 8.4, as determined by the Board. Such standards may address any or all of the considerations listed below.

1. Landscape preservation;
2. Views;
3. Cultural resources;
4. Open space access;
5. Pedestrian paths or sidewalks;
6. Architecture;
7. Common driveways;
8. Off-Street parking; and
9. Maximum length of dead-end streets and provisions for waiver of the same.

J. ~~Special Permit~~ Application and Preliminary Plan Procedures

~~General.~~ ~~The special permit OSRD application, public hearing, and decision procedures shall be in accordance with this Section 8.4 and the Planning and Economic Development Board's OSRD Rules and Regulations, and Section 3.4 of this Zoning Bylaw.~~

1. Application Requirements. The Applicant shall submit an OSRD ~~special permit~~ application together with the size, form, number, and contents of the required plans and any supplemental information as required in the Planning and Economic Development Board's OSRD Rules and Regulations. At minimum, such applications shall contain:

- a. A site context and analysis map;
- b. An OSRD Concept Plan: a schematic representation of the proposed OSRD and supporting documentation;

- c. A Neighborhood Density Analysis that includes all other existing residential development within 2500 feet of the site's perimeter.
- d. A Yield **Plan Analysis**, ~~purpose of which is to demonstrate the maximum number of building lots that could be developed on the site under a conventional subdivision plan and the maximum number of units that may be permitted in an OSRD.~~ The Yield Analysis shall identify the total area of the site, existing utility easements, and wetland and riverfront areas as determined by the Conservation Commission. ~~The Yield Analysis shall be based on the formula shown below. For purposes of this computation, "Net Site Area" shall mean the total area of the site minus existing upland utility easements. (Land located both within utility easements and wetland resource areas shall not be counted twice.) The result shall be rounded down to the nearest whole number. The PEDB shall review the Yield Analysis to determine whether it accurately reflects the maximum number of lots that may be constructed in a conventional subdivision.~~

$$\begin{array}{l} \text{Maximum} \\ \text{Number of} \\ \text{Dwelling Units} \end{array} = \frac{\text{Net Site Area} - (50\% \times \text{wetlands}) - (10\% \text{ Net Site Area})}{\text{Zoning District Minimum Lot Area}}$$

2. **Regulations.** Where there is town sewer available, the OSRD may be connected to the system at the expense of the applicant. Where town sewer is not available, septic systems may be installed on individually owned lots subject to requirements of the Board of Health and Title 5 of the State Environmental Code.
3. **Decision.** The Planning and Economic Development Board may ~~approve or disapprove a preliminary plan subject to G.L. c. 41, § 81S~~ **grant a special permit for an OSRD with any conditions, safeguards, and limitations necessary to ensure compliance with Section 3.4 and this Section 8.4, only upon finding that:**

~~The conceptual design and layout of the proposed OSRD is superior to a conventional development in preserving open space for conservation and recreation, preserving natural features of the land, achieving more efficient provision of streets, utilities and other public services, and providing a high degree of design quality;~~

~~The OSRD provides for a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;~~

~~The OSRD furthers the purposes of this Section and the goals of the Medway Master Plan.~~

~~The Planning and Economic Development Board may deny a special permit upon finding that the application does not provide sufficient information or does not comply with the provisions of this Zoning Bylaw; or that the site is not suitable for an OSRD and would be more appropriate for a conventional subdivision plan.~~

~~Effect of special permit approval. Approval of a special permit under this Section 8.4 shall not be considered approval for any construction. The special permit is a preliminary approval, intended to give guidance to the proponent for the development of an OSRD definitive plan, and to determine whether the proponent's submittal meets the objectives of this Section. Any subsequent application for an OSRD definitive plan shall comply with all material aspects and conditions of the special permit granted hereunder.~~

K. Definitive Plan Procedures. ~~Following issuance of an OSRD special permit approval of the preliminary plan, the applicant may submit a an OSRD definitive plan to the Planning and Economic Development Board in accordance with Section 8.4 and the Board's OSRD Rules and Regulations. An OSRD that involves a subdivision shall be submitted under the Town's subdivision rules and regulations. For an OSRD that does not involve a subdivision, the definitive plan shall be a site plan submitted in accordance with Section 3.5. The Planning and Economic Development Board may approve, approve with modifications, or deny a definitive plan pursuant to G.L. c. 41, § 81U that substantially complies with the special permit granted under sub-section I above and meets all of the following additional requirements for common facilities, operations and maintenance:~~

~~Each unit and the OSRD as a whole shall be served by a privately owned and maintained on-site sewage disposal or treatment systems. An approved on-site sewage disposal or treatment system serving more than one dwelling unit may be located on land owned in common by the owners of the residential units in the OSRD, subject to requirements of the Board of Health and Title 5 of the State Environmental Code or approved in accordance with the requirements of Department of Environmental Protection Groundwater Discharge Permit Program.~~

~~To ensure proper maintenance of the Common Open Space and common facilities, the OSRD shall have a **residents'** association in the form of a corporation or trust, established in accordance with state law by a suitable legal instrument or instruments properly recorded with the Registry of Deeds. As part of the definitive plan submission, the applicant shall supply a copy of such proposed instruments.~~

~~The Planning and Economic Development Board may conditionally approve an OSRD definitive plan that does not substantially comply with the special permit. A conditional approval shall identify where the plan does not substantially comply with the special permit, identify the changes to the special permit required to bring the plan into compliance with the special permit, and require the special permit to be amended within a specified time. The public hearing on the application to amend the special permit shall be limited to the significant changes identified in the Planning and Economic Development Board's conditional approval.~~

~~The Planning and Economic Development Board may disapprove a definitive plan for failure to comply with the special permit or for failure to meet the general design standards in sub-section L below. The definitive plan will be considered not to comply with the special permit if the Planning and Economic Development Board determines that any of the following conditions exist:~~

~~Any increase in the number of buildings or dwelling units;~~

~~A significant decrease in acres of Common Open Space; or~~

~~A significant change in the general development pattern which adversely affects natural landscape features and open space preservation.~~

Or act in any manner relating thereto.