

## **SECTION IX. OPEN SPACE DEVELOPMENT ORDINANCE**

### **Open Space Development:**

Open Space Development, in accordance with this ordinance may be allowed in the General Residence District and the Rural/Agricultural District. Open Space Development shall mean a residential development in which residences are clustered together, adjacent to permanently preserved open space.

#### **A. Purpose:**

The purpose of the Open Space Development ordinance is to:

1. Allow for greater flexibility and creativity in the design of residential subdivisions, and to allow a more economical and efficient layout of streets, utilities, and public services.
2. Encourage the permanent preservation of land and other natural resources and encourage development that consumes a portion of the total land being developed.
3. Maintain the traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands.
4. Ensure that residential development takes into consideration and works with the natural features of the land, including wetlands, watercourses, forests, prime agricultural land, steep slopes, plants, wildlife, historic sites, scenic areas, and rural character, trails, and known aquifers.
5. Provide wildlife corridors connecting open spaces. These are frequently needed by wildlife to ensure their survival.
6. Assure that the overall density of the development is no greater than what is normally allowed in the underlying district.

#### **B. General:**

The Open Space development provisions of this ordinance provide applicants with an alternative development approach intended to promote flexibility and innovation in land planning. Within this context, the ordinances that are established are intended to be a minimum consideration of allowable impacts. Each tract of land possesses different, unique development characteristics and limitations, and the Open Space Development use allowed on any particular tract will be a result of a collaborative effort of the developer and the Planning Board. The Planning Board shall hold sole authorization of the approval, or disapproval of any Open Space Development.

#### **C. Definitions:**

1. "Common Area" shall mean any area of land or water set aside for the benefit and enjoyment of all the residents of an Open Space Development.
2. "Mandatory Home Association" shall mean a private nonprofit corporation, association, or other legal nonprofit entity established by the developer for the benefit and enjoyment of the residents of the Open Space Development. Membership in said association shall be mandatory for property owners and made a required covenant in any deed issued or passed. It shall provide voting and use rights in the common area when applicable and may charge dues to cover expenses, which may include, but are not limited to, tax liabilities of the common area, recreational or utility facilities. Articles of Association or

Incorporation must be acceptable to the Planning Board and by the Town Counsel and any other municipal, county, state agency, body, commission or department required by law to approve of the same. The common area will not be separately assessed. The Home Owners Association's articles of agreements shall include a provision that reflects that any assessed value of the common area or other property owned by the association for the benefit of the lot owners will be assessed proportionately as part of the value of each of the individual lots.

3. "Net Developable Area" shall mean the total acreage shown to be developable under Town of Greenfield Subdivision Regulations and Zoning Ordinances, minus all areas which are determined not to be suitable for on-site sewage disposal, minus all areas designated as Wetland or Wetland buffer.
4. "Conservation Land" shall mean land that is owned by, controlled by, or deeded to a non-profit entity who's sole purpose is to conserve land.
5. "Public Open Land" shall mean land that is owned by, controlled by, or deeded to a public entity (for example: Town, County, State).
6. "Open Space" shall mean all Common Areas plus all Conservation Lands plus all Public Open Lands.

#### **D. Lot Size and Frontage:**

The minimum size for an Open Space Development is twenty (20) acres. The minimum lot frontage shall be at least a contiguous one hundred (100') feet. All Rights of way shall be at least sixty (60') feet in width. At least one access to the Open Space Development shall be within the minimum frontage. The minimum frontage and access shall be within the Town of Greenfield.

#### **E. Phased Subdivision Applications:**

This Open Space Development Ordinance shall also apply to the phased subdivision of a parcel over a period of time through separate successive applications. The density and design requirements shall apply to phased applications for the original parcel as though the development of the entire parcel were proposed in one application at one time. The total permitted density will be based upon the acreage and characteristics of the original parcel that existed as of the date of enactment of this Article. The Planning Board may require phased development as a condition of approval.

#### **F. Standards for Approval:**

All standards below must be met or impacts mitigated to the satisfaction of the Planning Board prior to the approval of an Open Space Development.

1. The application is in compliance with all applicable zoning ordinances and subdivision regulations, and is in the public interest.
2. There will be no greater diminution of neighboring property values than would be created under any other use or development permitted in the underlying district(s).
3. That there are no existing violations of the Greenfield Zoning Ordinance on the subject property.
4. That the character of the area shall not be adversely affected. To determine this, the Planning Board shall consider the following aspects of the surrounding area:

- a. Transportation, determined through analysis of the following:
    - 1) Access for safety vehicles onto the site, within the site, and to individual houses.
    - 2) Capacity of nearby and affected intersections, and transportation corridors.
    - 3) Cost for municipality to maintain roadways.
    - 4) Layout, width, and construction of roadways on the site.
  - b. Protection of natural resources, determined through analysis of the following:
    - 1) Protection of environmentally sensitive areas, including but not limited to, wetlands, shore land buffers, wildlife corridors and critical habitat, significant groundwater resources.
    - 2) Maintenance of view sheds and other visually appealing aspects of the site.
  - c. Protection of cultural and agricultural resources, determined through analysis of the following:
    - 1) Establishment of new and protecting existing trail ways for travel.
    - 2) Protection of historic buildings or significant historical landscapes.
    - 3) Establishment, protection, and promotion for agricultural uses of the site.
5. Roads in an Open Space Development may be either private or public. The plan shall not be approved if it will result in excessive or undue municipal expense for the provision of any municipal services, including the expense to maintain the roads within the development as well as off-site roads leading to the development.
- a. For public roads, all applicable standards and regulations regarding the construction, bonding, maintenance and acceptance of public subdivision roads shall apply.
  - b. For private roads, the applicant shall provide construction specifications sufficient to insure proper access to and from the subdivision by the intended residents, emergency vehicles, and utility vehicles. The applicant shall provide sufficient documentation to insure that the contemplated lot owners will be suitably bound to maintain the construction standard of said roads and that they will be entitled to use the roads equally for their respective benefit as well as being proportionately charged for maintenance and other associated costs.
6. The capacity of existing or planned community facilities and services (including streets and highways) must not be adversely impacted. Mitigation of these impacts by the developer can be properly considered in approving an Open Space Development.

**G. General Requirements:**

1. At a minimum, forty (40%) percent of the Net Developable Area must be dedicated to Open Space.
2. The Common Area shall be deeded to all residents of the development. The area may contain accessory structures and improvements necessary and appropriate for educational, recreational, cultural, or social uses. The area may also be used for utility services utilized by the residents of the development. The area may not be used for residential, commercial, or industrial uses. The area shall be bound by a Mandatory Homeowners Association or similar legal entity.
3. No building shall be constructed or earth disturbed on any Conservation Land or Public Open Space.

4. All Common Areas, Conservation Lands, and Public Open Lands must be designated and identified as such when the application is submitted to the Board. These areas and lands must be identified on the approved and recorded plats.
5. All Conservation Lands and Public Open Lands shall be preserved in perpetuity through deed restriction, conservation easement, or similar legal entity.
6. Only residential uses shall be allowed.
7. The maximum number of dwelling units is calculated by dividing the Net Developable Area by the minimum permissible acreage per dwelling unit of the underlying district, rounded down to the nearest whole number of dwelling units.
8. The maximum number of lots is the maximum number of dwelling units.
9. Each lot shall contain one building.
10. Each building shall contain a minimum of one (1) dwelling unit and a maximum of two (2) dwelling units.

#### **H. Setbacks and Other Dimensions:**

Certain dimensional requirements are relaxed to provide for increased design flexibility necessary to accomplish the goals of open space development. The outer perimeter of an Open Space Development shall have the same setbacks as required in the district in which the property lies. The setbacks for interior lots may be reduced as shown below. The setback shall be depicted on all plats.

1. Frontage requirements for all buildings on exterior roadways defaults to the requirements of the underlying district. The following frontage requirements shall apply to all buildings on interior roadways:
  - a. Each single dwelling unit building shall have fifty (50') feet of frontage.
  - b. Each two dwelling unit building shall have seventy-five (75') feet of frontage.
2. The following setbacks shall apply to all buildings:
  - a. Setbacks from exterior lot lines of the entire parcel shall be twenty-five (25') feet for single dwelling unit buildings and forty (40') feet for two dwelling unit buildings.
  - b. Setbacks from the edge of pavement for roadways within, and part of, the development shall be thirty (30') feet.
  - c. Separation between all single dwelling unit buildings shall be forty (40') feet.
  - d. Separation between all two dwelling unit buildings shall be fifty (50') feet.
  - e. Separation between single dwelling unit buildings and two dwelling unit buildings shall be fifty (50') feet.
  - f. Setbacks from all interior lot lines shall be twenty (20') feet.
3. All developments shall contain some form of lot delineation or lines that designate a reasonable amount of land attributable to each particular building. If a building contains

more than one dwelling unit, private and common areas for the lot will be designated for each dwelling unit.

**I. Utilities:**

All utilities serving the development shall be underground. The Board may waive the requirement for underground utilities along lengthy entrance roads that are visually separated from the clustered buildings.