

## ZONING BYLAW AMENDMENTS TO SECTION 10.1

### OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

August 22, 2019

---

#### **10.1.1 Purpose**

The primary purpose of this Section 10.1 is to preserve the open space resources of the Town of Ayer. This is necessary for the protection of the Town's water resources and other unique environmental assets. This Section 10.1 is also intended to foster compact development patterns using flexible regulations for density and lot dimensions and to promote and encourage creativity in neighborhood design.

The Town encourages the use of Open Space Residential Development (OSRD) because it results in the preservation of contiguous open space and important environmental resources, while allowing design flexibility. OSRD reduces development impacts on farmland, forests, wildlife habitats, large tracts of contiguous open space, environmentally sensitive areas, steep slopes, hilltops, and historically significant areas.

To encourage this type of development, OSRD is allowed by right, subject ~~only~~ to this Section, **applicable provisions of the Ayer Zoning Bylaw**, and the requirements of the Planning Board's Regulations Governing the Subdivision of Land. An OSRD that does not require approval as a subdivision is allowed by right subject to Site Plan approval by the Planning Board. In order to encourage small subdivisions to follow OSRD principles, there is no minimum parcel size or number of lots required for an OSRD.

#### **10.1.4 Maximum Number of Dwelling Units**

The maximum number of residential units in an OSRD is determined through submission of a "Yield Plan", which is essentially a plan meeting most of the standards of a Preliminary Subdivision Plan according to Ayer's Rules and Regulations Governing the Subdivision of Land, with some additional information as described below. The Yield Plan shall show the maximum number of lots and/or dwelling units ("base lot / unit yield") that could be placed upon the site in a conventional subdivision, in full conformance with all applicable provisions of the Ayer Zoning Bylaw, Subdivision Regulations, state and local Health laws and regulations, the Massachusetts Wetlands Protection Act, local Wetlands Protection Bylaw and other applicable requirements.

The Yield Plan and Preliminary Subdivision Plan may be submitted at the time of Preliminary Plan application, or, in cases when a Preliminary Subdivision Plan is not submitted, the Yield Plan shall be submitted with the Definitive Subdivision Plan application. In cases where a proposed development does not involve subdivision of the original tract of land in an OSRD application, a Yield Plan shall still be required.

No land that is unusable for building due to being subject to an easement, or otherwise legally restricted, shall be included as land available for development. The applicant shall have the burden of proof to demonstrate that the maximum number of lots and dwelling units resulting from the design and preliminary engineering specifications shown on the Yield Plan is feasible.

#### 10.1.4. A. Yield Plan Requirements

##### 1. Title and Name of Subdivision

##### 2. A locus plan at a scale of one-inch equals 1,000 feet (1" = 1,000')

##### 3. The Zoning classification of the parcel being subdivided, including any zoning district boundaries.

##### 4. The boundaries of the parcel being subdivided, reference point north, date, datum (NAD 83 and NAVD 88), scale and legend.

##### 5. The names, addresses and telephone numbers of the record owner(s), the applicant, and the names, addresses, telephone numbers, stamps and signatures of the engineer and surveyor and/or Landscape Architect responsible for the preparation of the Plan.

##### 6. Prominent landscape elements that might be contributory to the site's preserved open space network, including topographic features, open landscapes, woodlands, water and wetlands, as well as man-made cultural and historic resources. Publicly-available sources such as the MA Natural Heritage series, MA GIS Wetlands Resources mapping, MA Historical Commission and other sources, may be employed in this assessment. In cases where a professional wetland delineation has been prepared, such formal wetland delineation is preferable to general wetland locational information from publicly-available sources.

##### 7. Locations of all existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, community buildings, and off-street parking areas.

##### 8. All proposed lot lines with lot dimensions and land area, as well as proposed common areas. In cases where the proposed OSRD development involves any type of attached dwellings, the units shall be depicted with their approximate layout, location and applicable lot lines to the extent known at this preliminary stage. For the purpose of this item, "land area" is "lot area" as defined in the Ayer Zoning Bylaw. To facilitate this calculation on properties containing bodies of water or other areas excluded by the Bylaw from lot area calculations, applicants shall show gross parcel area and the area of any bodies of water, in addition to lot areas.

##### 9. Topography of the land at two (2) foot contour intervals, based upon field survey. At the discretion of the Town Planner, and with the concurrence of the Planning Board, applicant may request submission of wider contour intervals, based upon US Geological Survey data, Natural Resources Conservation Service soils maps, MA Geographic Information System layers, or other publicly-available sources, as well as any existing topographic survey.

##### 10. Existing and proposed lines and widths of streets, rights of way, sidewalks, access and utility easements, and other known encumbrances on the property.

##### 11. Proposed roadway grades, which may be approximate if general topographic data per requirement 9. above is being used.

##### 12. The approximate location and type of stormwater management facilities, drawn at the conceptual engineering level without design detail and data. All proposed major elements of the site system shall be indicated in their approximate future locations, whether closed collection and discharge, open retention/detention, natural stormwater flow, or bio-retention components.

A narrative shall be provided summarizing the general approach to stormwater management on the site.

13. The proposed sanitary sewer system and water distribution system, drawn to a conceptual engineering level, accompanied by any available soils and hydrological information.

The Planning Board shall review the Yield Plan and make a Finding as to the base lot yield and/or dwelling units immediately upon accepting a Preliminary Plan for consideration, or at the first meeting of the Public Hearing in cases where a Preliminary Plan is not submitted. The Planning Board shall provide its findings on lot and/or unit yield in writing to the applicant.

To be counted towards the base lot yield, a proposed building lot must meet applicable lot area, frontage and other dimensional requirements, and have enough non-wetland area, based on the information required by Section 10.1.4 A, to accommodate a dwelling while meeting all dimensional requirements.