

SECTION XIV. OPEN SPACE-RESIDENTIAL DESIGN

1. Purposes. The purposes of the open space-residential design (OSRD) bylaw are to protect open space, agricultural and forestry land, viewsheds, wildlife habitat and corridors, wetlands and water resources, and historical and archeological resources, in a manner not inconsistent with the goals of the Princeton Master Plan; to protect the value of real property; encourage creative, environmentally sensitive design as the preferred form of residential development; and to encourage more efficient development that consumes less open land and respects existing topography and natural features better than a conventional or grid subdivision.
2. Applicability. In the RA District, a special permit for OSRD is required from the planning board for any development of a tract of land, or contiguous tracts of land under common ownership or control, resulting in five (5) or more residential lots or five (5) or more dwelling units.
3. Developments shall not be segmented to avoid compliance with this section. Divisions of land that would cumulatively result in an increase by five or more residential lots above the number existing twenty-four months earlier shall be subject to the requirements established herein. However, the provisions of this section shall not apply to the construction of five (5) or more dwelling units on lots in existence as of the effective date of this section, or to the conversion of an existing structure into five or more dwelling units. Nothing in this section shall prohibit an applicant from proposing an OSRD with less than five (5) lots or five (5) dwelling units, provided that the proposal substantially complies with the requirements herein.
4. Relationship to Subdivision Control. A subdivision plan is not required for an OSRD, but an applicant proposing an OSRD subdivision shall submit the same to the planning board in accordance with the planning board's subdivision rules and regulations.
5. Permitted Uses. An OSRD may include the following uses:
 - (A) Detached single-family dwelling.
 - (B) Open space, conservation areas or recreation, including trails for walking, hiking, cross country skiing, horseback riding, picnicking and wildlife observation.
 - (C) Agricultural, equestrian and horticultural uses.
 - (D) Accessory recreational amenities for residents of the OSRD, such as a tennis court or playground.
6. Dimensional Regulations.
 - (A) The maximum number of dwelling units in an OSRD shall be determined in accordance with section 7 below.
 - (B) The planning board may waive the minimum dimensional requirements that normally apply to lots in RA District in order to maximize the open space area or facilitate a desired arrangement of buildings and other amenities, and may permit more than one dwelling on a lot in an OSRD, except as follows:

Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD unless the planning board makes a written determination that such reduced lot(s) or frontage on the other streets will further the goals of this section.
 - (C) The minimum distance between any dwelling unit in the OSRD and an abutting lot outside of the OSRD shall be one hundred (100) feet. (*Amended May10, 2016*)
 - (D) No building shall exceed the maximum height regulations in section VI.
 - (E) Unless waived by the planning board, all other dimensional requirements of the RA district shall apply.

7. **Base Maximum Number of Dwelling Units.** The base maximum number of dwelling units allowed in an OSRD shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

8. **Common Open Space Requirement.** The OSRD must provide at least 50% of the total area of the site as common open space to be protected in perpetuity, unless the Planning Board approves a smaller percentage, but in no event less than 30%. The common open space shall have no structures, parking, private yards, patios, sanitary waste disposal facilities or gardens restricted for the exclusive or principal use by residents of individual dwelling units. The common open space shall not be further subdivided, and a notation to this effect shall be placed on the plan of record, which shall be recorded at the Registry of Deeds. The following standards apply to the common open space in an OSRD:

(A) Use, Shape and Location

- (1) Common open space shall be functional for wildlife habitat, passive recreation, resource preservation, agriculture or equestrian uses.
- (2) To the maximum extent feasible, the 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 ten percent (10%) 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.
- (3) The percentage of the open space that is wetlands normally shall not exceed the percentage of the site that is wetlands. However, the applicant may include a larger percentage of wetlands in such open space upon demonstrating that such inclusion promotes the purposes of this section, subject to approval by the planning board.
- (4) Wherever feasible, the common open space shall be contiguous and linked as a unit, and linked to other existing open space.
- (5) Underground utilities or shared septic systems to serve the OSRD site may be located within the common open space.
- (6) Existing or proposed utility easements shall not be counted as common open space unless approved by the planning board.

(B) **Ownership.** Any proposed common open space within an OSRD shall be conveyed in accordance with the provisions of M.G.L. c..40A, § 9. Open space shall either be conveyed to (a) the Town of Princeton for park or open space use, (b) a non-profit organization the principal purpose of which is the conservation of open space, or (c) a corporation or trust owned or to be owned by the owners of the lots or residential units within the OSRD. Such ownership shall pass with conveyance of the lots or residential units. In any case where the common open space is not conveyed to the Town, a restriction enforceable by the Town or the Conservation Commission under M.G.L. c.184, ss.31-33 shall be recorded providing that such land shall be kept in perpetuity in an open or natural state. Wherever possible, existing trails shall be kept open for limited recreational use.

9. **Pre-Submission Meeting.** Applicants are encouraged to meet with the planning board prior to applying for a special permit. The purposes of a pre-application review are to minimize the applicant's costs for engineering and other technical experts and to solicit guidance from the planning board at the earliest

possible stage in the planning and permitting process. At the request and expense of the applicant, the planning board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD special permit.

10. Design Process. At the time of the application for a special permit under subsection 11 below, applicants must demonstrate to the planning board that the following design process was carried out by a registered Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space.
 - (A) Site Analysis. The first step in the design process is to identify the natural, scenic and cultural features on the site and surrounding it, to analyze the design implications of these features, and to evaluate the site in its larger context by identifying physical, cultural and transportation connections to surrounding land uses and activities. Wherever possible, site and context features shall include areas identified by the planning board during the pre-submission meeting.
 - (B) Open Space. The second step in the design process is to identify the open space to be preserved on the site. The open space should include the most sensitive and noteworthy resources of the site, be contiguous, and where appropriate, serve to extend neighborhood open space networks.
 - (C) Development Envelope. The third step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. To the maximum extent feasible, the proposed area of disturbance shall consist of land outside the areas identified under (A) above. The location of dwelling units should account for proximity to common open space and other amenities, including community buildings for use by residents of the development. Toward this end, the number of dwelling units with direct access to the amenities of the development should be maximized.
 - (D) Lot and Easement Lines. The fourth step is to identify the approximate location of lot and easement lines, where applicable.
11. Special Permit Procedures.
 - (A) General. The special permit application, review and decision procedures shall be in accordance with this section and section VIII(3) of this Bylaw, and M.G.L. c.40A, § 9. Where a development requires a special permit under this section and any other section in which the planning board has been designated to serve as special permit granting authority, the special permit applications may be combined into a single submission and the planning board may grant a single special permit that addresses all applicable requirements.
 - (B) Application Requirements. The special permit application shall include an OSRD concept plan and a Yield Plan in accordance with the requirements herein. The size, form, number and contents of the required plans and any supplemental information shall be in accordance with planning board regulations.
 - (C) Sources of Data. The concept and Yield Plans may be prepared from existing data such as deed information, USGS topographical maps, FEMA floodplain maps, assessor's maps, orthophotos, soil maps or soil conservation survey, Department of Environmental Protection (DEP) Wetlands Conservancy Program maps or other wetland maps as may be on file with the Princeton Conservation Commission, or federal, state or local maps of wildlife habitat and supporting landscapes. While it is not necessary to verify all site constraints prior to preparing a Concept Plan, they should be represented as accurately as possible in order to avoid significant changes to the Concept Plan in subsequent applications for approval of a site plan or a subdivision plan. The applicant shall bear the risk of any such changes.

- (D) Required Information for OSRD Concept Plan. The concept plan shall be a schematic representation of the proposed OSRD, with sufficient detail about existing and proposed conditions to enable the planning board to understand the nature, scope and impacts of the project being proposed and to be able to respond to the applicant's proposals in an informed manner. The concept plan shall include scaled drawings prepared by a registered landscape architect. The concept plan shall incorporate the OSRD design process outlined in subsection 10 above and account for the minimum design standards of subsection 13 below. At minimum, the concept plan shall provide the following information:
- (1) The location of the proposed development;
 - (2) The size of the proposed site in acres;
 - (3) An existing conditions inventory and an analysis of site and context features identified during the OSRD Design Process;
 - (4) The total number and approximate locations of the proposed buildings, dwelling units and/or lots, and the approximate size of each in square feet;
 - (5) The acreage and proposed use(s) of permanent open space;
 - (6) A statement on the disposition or manner of ownership of the proposed open space;
 - (7) The areas or approximate delineation of lots that will be used as building areas, and the areas or approximate delineation of lots that are to remain as permanent open space;
 - (8) The approximate location of proposed roadways;
 - (9) A general description of how drainage and wastewater will be handled, including a soils statement and the general area of the site to be used for stormwater management facilities;
 - (10) A general description of the applicant's plans for site improvements, including mitigation of noise, odor or visual impacts arising from the operation of a package treatment plant, where applicable; and
 - (11) Sufficient detail of the proposed area(s) of disturbance and built and natural features to enable the planning board to make the required determinations under section G below.
- (E) Required Information for a Yield Plan. The purpose of the Yield Plan is to demonstrate the maximum number of lots that could be developed on the site under a conventional plan. The Yield Plan shall comply with the planning board's subdivision rules and regulations for a preliminary plan. It is the applicant's burden to submit reasonable proof that the number of lots in the Yield Plan could meet the engineering and design specifications required for a conventional plan. The total number of lots in the OSRD shall be determined by the planning board, based upon its review and determination of the applicant's Yield Plan.
- (F) Site Alterations. After a OSRD special permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, no dredging or filling and no construction of buildings or structures shall be done on any part of the tract of land proposed for a OSRD until the application has been reviewed and approved or denied as provided by these regulations.
- (G) Decision.

- (1) The planning board shall grant a special permit for an OSRD with any conditions, safeguards, and limitations necessary to ensure compliance with this section, only upon finding that:
 - (a) 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;
 - (b) 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;
 - (c) The OSRD furthers the goals and policies of the Princeton Master Plan and the purposes of this section.
- (2) Effect of Special Permit Approval. Approval of a special permit under this section shall not be considered approval for any construction. The special permit is a preliminary approval, intended to give guidance to the applicant for the development of definitive subdivision plan or the site plan, and to determine whether the applicant'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.
- (3) The planning board may deny a special permit if it determines that:
 - (a) The application does not provide sufficient information; or
 - (b) The application does not comply with the provisions of this Bylaw, which finding shall be set forth in detail in a written decision; or
 - (c) The site is not suitable for an OSRD and would be more appropriate for a conventional plan. If the planning board denies the special permit under this subsection, the applicant may submit a conventional subdivision plan or a plan for a division of land in accordance with the planning board's Subdivision Rules and Regulations.

12. Definitive Plan Procedures. Following issuance of a special permit for an OSRD, the applicant shall submit an OSRD definitive plan to the planning board. For an OSRD that does not require approval under the subdivision control law, the definitive plan shall be a site plan review submitted to the planning board in accordance with section XII. An OSRD that involves a subdivision of land must be submitted to the planning board for approval under the planning board's subdivision rules and regulations.

- (A) The planning board may approve a definitive plan that substantially complies with the special permit granted under section 10(G) above and meets all of the following additional requirements for common facilities, operations and maintenance:
 - (1) Each unit and the OSRD as a whole shall be served by a private water supply and privately owned and maintained on-site sewage disposal or treatment systems. Notwithstanding the requirements of section VI(1)(F) of this Bylaw, 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 Princeton board of Health and Title 5 of the Massachusetts Environmental Code or approved in accordance with the requirements of Department of Environmental Protection Groundwater Discharge Permit Program.

- (2) To ensure that common open space and common facilities will be maintained properly, each OSRD shall have a residents association in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments properly recorded at the registry of deeds or the Land Court. As part of the definitive plan submission, the applicant shall supply copies of such proposed instruments to the planning board.
 - (3) There shall be not more than two (2) off-street parking spaces for each dwelling unit in an OSRD, excluding covered or enclosed parking spaces in garages, and suitable parking to serve any open space uses as determined by the planning board.
 - (B) The planning 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 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 board's conditional approval. These are the only considerations that the planning board may take into account in deciding whether to amend the special permit.
 - (C) The planning board may disapprove a definitive plan for failure to comply with the special permit or for failure to meet the OSRD design standards in subsection 13 below. The definitive plan will be considered not to comply with the special permit if the planning board determines that any of the following conditions exist:
 - (1) Any increase in the number of buildings or dwelling units;
 - (2) A significant decrease in acres of common open space; or
 - (3) A significant change in the general development pattern which adversely affects natural landscape features and open space preservation.
13. Minimum Design Standards. An OSRD definitive plan shall address the following design standards and any supplemental design regulations or guidelines adopted by the planning board under subsection 15.
- (A) Landscape Preservation. Insofar as practicable, an OSRD shall preserve the landscape in its natural state by minimizing tree removal and grade changes. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The location and orientation of individual building sites shall be such as to maintain maximum natural topography and limit the removal of trees with four inches or more of diameter at breast height (dbh). Topography, viewsheds, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as elements that can be changed to follow a particular development scheme.
 - (B) Roadway Design. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
 - (C) Cultural Resources. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized.
 - (D) Architectural Design. In scale, massing, height, exterior materials and roofline articulation, residential buildings in an OSRD shall be compatible with surrounding residential areas.

- (E) **Buffer Areas.** An OSRD that abuts residentially zoned or residential developed property shall provide a buffer area of at least 100 feet to the property line of adjacent homes. Within the buffer area, no vegetation will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the OSRD, except that roads or driveways necessary for access and egress to and from the site may cross such buffers. The planning board may waive buffer requirements when it determines that a smaller buffer will suffice to accomplish the objectives of this section. The planning board may also approve the inclusion of buffer area within the area provided as common open space under section 7 above.
 - (F) **Drainage.** The planning board shall encourage and may require the use of non-structural stormwater management techniques, such as swales, and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
 - (G) **Common/Shared Driveways.** A common or shared driveway shall serve not more than four single-family dwelling units unless the planning board determines that a common driveway serving more than four units will further the purposes of this section.
 - (H) **Pedestrian Circulation.** Where appropriate, walkways should be provided within the OSRD to link residences with parking areas, recreation facilities and open space, and adjacent land uses.
- 14. **Public Benefit Incentives.** The planning board may authorize an increase in the number of dwelling units determined under section 7 above, as follows: for each additional ten percent (10%) of the site set aside as common open space (over and above the required 50%), the number of units may be increased by 10%, but in no event shall the additional units exceed 30% of the base maximum number of dwelling units.
 - 15. **OSRD Regulations and Design Guidelines.** The planning board may adopt rules, regulations and guidelines to administer this section, following a public hearing.
 - 16. **Severability.** If any portion of this section is declared to be invalid, the remainder shall continue to be in full force and effect.

(Section XIV - Adopted February 26, 2008)