

## **SECTION XV. BACKLOT DEVELOPMENT**

1. **Purposes.** The purposes of the backlot development bylaw are to protect views from the road, open space, agricultural and forestry land, viewsheds, wetlands and wildlife corridors, and historical and archeological resources, in a manner consistent with the goals of the Princeton Master Plan; to encourage environmentally sensitive design; and to reduce the number of curb cuts on existing streets.
2. **Applicability.** In the Residential-Agricultural District, the planning board may grant a special permit for backlot development pursuant to the regulations hereunder. As used in this Bylaw, backlot development is a development on a tract of land or contiguous tracts of land under common ownership or control, resulting in the creation of at least two but not more than five lots. The single-family dwellings in a backlot development shall be set back from the road, on lots that may have reduced frontage or area, with permanently protected open space separating dwellings from the road or in other locations on a parcel. Backlot development is intended as an alternative to a conventional division of land into "Approval Not Required" lots under M.G.L. c.41, § 81P. A backlot development shall be exempt from section XIV of this Bylaw.
3. **Permitted Uses.** A backlot development may include the following uses:
  - (A) Single-family detached dwellings and uses accessory thereto.
  - (B) Open space, conservation areas, or passive recreation, including trails for walking, hiking, cross country skiing, horseback riding, picnicking and wildlife observation.
  - (C) Agricultural, equestrian and horticultural uses.
4. **Dimensional Regulations; Maximum Number of Dwelling Units.**
  - (A) The maximum number of dwelling units shall be the number of lots that could be created on the site under a conventional ANR plan plus one additional lot. There shall be not more than one dwelling unit per lot.
  - (B) The applicant shall demonstrate the number of conventional ANR lots that could be created on the site under the Area and Yard Regulations in section VI(1) of this Bylaw. The applicant shall have the burden of proof with respect to the design and engineering standards for such lots.
  - (C) Upon determining the number of conventional ANR lots that could be created on the site, the planning board may authorize a reduction in minimum lot frontage or lot area, or both, in order for the applicant to create the number of backlot development lots allowed under subsection (A) above in a manner consistent with the purposes of this section.
  - (D) Backlot development lots may have reduced lot frontage on the public way, or the planning board may waive lot frontage provided that any lot without frontage has an access easement over abutting property by way of the common driveway serving the development, in accordance with subsection 5(B) below. However, no lot shall have less than 50% of the minimum lot area required in the Residential-Agricultural District unless a further reduction is necessary to achieve the purposes of this section.
  - (E) Irregular lot shapes are permitted in a backlot development when, in the opinion of the planning board, they further the purposes of this section.
  - (F) No lot in a backlot development shall be further divided or reduced in area. The planning board shall require deed restrictions to assure these requirements.
  - (G) The planning board may authorize a reduction in yard setbacks on a backlot development lot when such reduction furthers the purposes of this Bylaw, except that side and rear yard setbacks shall not be waived on a lot abutting an existing residential lot with an existing residence.
5. **Minimum Requirements and Design Standards.** The planning board may grant a special permit to waive certain dimensional or other requirements of the applicable zoning district in exchange for the protection of open space, stone walls, mature trees and scenic views. To be eligible for an backlot development special permit, an backlot development shall meet the following minimum requirements:

- (A) All dwellings in a backlot development shall be set back at least 300 feet from the road unless the planning board approves an alternative setback plan that meets the purposes of this section. Except for land used for roadway, driveway or emergency access shown on the plan, all contiguous land within 250 feet of the public right of way shall be protected in perpetuity and either conveyed to the Town of Princeton to be under the care and control of the Princeton Conservation Commission, to a charitable non-profit conservation organization acting pursuant to M.G.L. c40, Sec 8C for open space or conservation purposes, or to a corporation or trust owned or to be owned by the owners of the lots or residential units within the backlot development. 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 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. The open space shall:
- (1) Remain as naturally existing woods, fields, meadows or wetlands, and maintained in accordance with good conservation practices;
  - (2) Not be disturbed by land clearing, grading or alteration for any construction or improvements required to serve the development, except for the construction of the roadway or driveway providing access and utility connections to the dwellings;
  - (3) Not be used for detention or retention ponds that may be necessary for the construction of any improvements shown on the plan. However, the planning board may waive this requirement if it determines that the integrity and significance of the open space and the public benefits of the open space are not compromised, and that the open space conforms to the purposes of this section. In no event shall permanent clearing for drainage improvements or utilities, including detention and/or retention ponds, exceed 5% of the open space in an backlot development.
- (B) Except as provided below, dwellings in a backlot development shall be served by a single common driveway. The driveway need not cross the designated frontage of all lots in the development. However, the driveway must cross the designated frontage of at least one such lot except where the planning board has waived lot frontage, in which case the common driveway shall cross abutting property. The abutting property may be the open space under subsection 5(A) above or a lot created for a residence that existed on the tract of land prior to the special permit application.

No dwelling unit in a backlot development shall be served by an individual driveway unless the planning board determines that one additional driveway is necessary for public safety and serves the purposes of this section.

The following regulations shall apply to common driveways:

- (1) The centerline intersection with the street centerline shall not be less than 60 degrees;
- (2) A minimum cleared width of 12 feet shall be maintained over the entire length of a common driveway serving three or fewer dwellings; or 16 feet for a common driveway serving more than three dwellings.
- (3) The common driveway shall be paved in accordance with the planning board's rules and regulations unless the planning board approves a gravel driveway, which shall have a minimum roadway surface of 4 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown;
- (4) The driveway shall be located entirely within the boundaries of the lots being served by the driveway, except when the driveway crosses abutting property in a back-lot development proposal;
- (5) Proposed documents shall be submitted to the planning board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest; and where applicable, lots in a back-lot development without frontage on the public way shall have suitable access easements.

- (C) A backlot development located adjacent to land in active agricultural or forestry use shall preserve a continuous buffer along the perimeter of at least 100 feet, unless waived by the planning board in order to further the purposes of this section.
  - (D) Notwithstanding the requirements of section VI(1)(f), lots in a backlot development may be served by a shared septic system, subject to applicable state laws and regulations and the regulations of the board of health.
6. Transfer Parcel. The planning board may approve a density bonus to allow not more than two additional dwelling units in a backlot development if the applicant proposes to protect in perpetuity a separate parcel of land (“transfer parcel”) of at least two acres in size in the RA District, subject to the following requirements.
- (A) The transfer parcel shall be:
    - (1) Determined by the planning board to be of special importance because of its visual prominence or relationship to scenic vistas, ecological significance or fragility, value as agricultural or recreational land, or because it is identified in the Princeton Open Space and Recreation Plan;
    - (2) Not wetlands, as defined in M.G.L. c. 131, § 40, or not land used to satisfy dimensional requirements in any other development of land;
    - (3) Conveyed to the Town of Princeton, to be under the care, custody and control of the Princeton Conservation Commission or to a charitable non-profit conservation organization, acting pursuant to MGL C. 40, Sec. 8C for open space or conservation purposes, provided that the parcel is subject to a perpetual conservation or agricultural restriction pursuant to M.G.L. c.184, ss. 31-33.
  - (B) The planning board may approve reductions in minimum lot area in order to accommodate density bonus dwellings in a backlot development in exchange for preservation of an approved transfer lot.
7. Procedures. The special permit application, review and decision procedures shall be in accordance with this section, section VIII(3) of this Bylaw and M.G.L. c.40A, § 9. The planning board may grant a special permit for a backlot development only upon finding that the application complies with the purposes of this section. In making its decision, the planning board shall consider the degree to which the application, viewed in its entirety:
- (A) Addresses the goals of the Princeton Master Plan.
  - (B) Protects adjoining premises against detrimental or offensive uses.
  - (C) Protects open space, farmland, historic resources, or views from the road.
  - (D) Provides more environmental or aesthetic benefits than the alternative of a conventional division of land.
  - (E) Makes adequate provisions for water supply, disposal of sanitary sewage, storage and disposal of refuse and solid wastes resulting from the uses permitted on the site, and drainage and retention of surface water.
8. Effect of Special Permit Approval. Approval of a special permit under this section shall not be considered approval or endorsement of any division of land nor any construction. The special permit is a preliminary approval, authorizing the applicant to submit an Approval Not Required plan or a plan requiring approval under the Subdivision Control Law, M.G.L. c.41, §§ 81K-81GG, that complies with all material aspects and conditions of the special permit granted hereunder. The ANR or subdivision plan shall be submitted to the planning board in accordance with the planning board’s subdivision rules and regulations.

*(Section XV - Adopted February 26, 2008)*