

New language to be added in Section 11.07 shown in *italics*, and language to be deleted shown with ~~strikethrough~~:

#### 11.07 Open Space Residential Design

For the purpose of promoting the efficient use of land in harmony with its natural features, in accordance with the *Smart Growth* guidelines of the Commonwealth, *encouraging the preservation of open space and shared facilities, an alternative form of subdivision is described in this section. This form of subdivision, subject to Site Plan Review by the Planning Board, relaxes the lot dimensions and provides incentives for an increased number of lots.* ~~a subdivision, as defined in section 2-10 In all other respects the definitions and terms of the Subdivision Regulations of Northfield apply and consistent with the terms of this section and the Subdivision Regulations, will be approved by right by the Planning Board.~~ *Only one single- or two-family dwelling unit per lot shall be allowed in the Open Space Residential Design.*

##### 11.07.01 Open Space Requirement

At least fifty percent (50%) of the land area of the tract shall be permanently protected open space. The open space set aside may not include wetlands, water bodies, floodplains, slopes greater than twenty-five percent (25%), roadways, land devoted to common facilities such as wells, sanitation facilities, and solar energy generation, or land prohibited from development by legally enforceable restrictions, easements or covenants, or other constraints dictated by the Northfield Protective By-Law, Title 5, the Inland Wetlands Protection Act, and any other relevant law. *For projects that are having difficulty in meeting the 50% open space set-aside requirement, the Planning Board may in its discretion lower the required amount of open space (but in no case to less than 40% of the land area), as long as it determines that the proposed project would otherwise meet the general purpose and intent of this bylaw and would comply with the Board's regulations under the Subdivision Control Law.*

##### 11.07.02 Number of Lots

The total number of lots shall not exceed that determined by a yield plan calculation, except that for each additional one percent (1%) of land which is set aside as open space in the tract, in excess of the fifty percent (50%) open space required, up to one percent (1%) more (rounded down) additional dwelling lots shall be allowed. A yield plan calculation is the number of lots that can be placed on potential streets in the subdivision, in conformance with the Northfield Subdivision Regulations and Section 7.01 of this bylaw, without the open space set aside but excluding wetlands, water bodies, floodplains, and slopes greater than twenty-five percent (25%).

##### 11.07.03 Lot Dimensions

No lot shall have less than 100 feet of frontage on its access road.

No lot shall have less than 150 feet of depth.

*No lot shall have less than 15,000 square feet.*

No building shall be located less than ten (10) feet from a lot line or less than 25 feet from a public way, *proposed or* approved subdivision road, or any other right-of-way.

#### 11.07.04 Sanitation Requirement

Each lot shall have suitable soils and site for a private septic system and water supply, or access to a municipal sewer system, or access to a common septic system approved by the Board of Health.

#### ~~11.07.05 Lot Access~~

~~A common drive, as approved by the Planning Board, may serve two or more lots that comply with the lot requirements of Section 11.07.03. In addition, the drive shall conform to Section 7.03.01 except that the subgrade and traveled surface width shall be not less than sixteen (16) feet on any portion of the common drive.~~

~~Lots may have access not through frontage, so long as such access not through frontage provides adequate access for emergency vehicles and safe access for other vehicles entering and exiting the lot, and is in keeping with the considerations of Article IX.~~

#### 11.07.056 Solar Energy Option

A subdivision that provides, in the form of one or more shared facilities, a minimum of two kilowatts (2kW) of grid-connected photo-voltaic solar energy generation for each residential unit in the subdivision may have up to twenty percent (20%) more (rounded down) additional dwelling lots than provided under Section 11.07.02.

A solar energy facility proposal will be reviewed by the Northfield Energy Committee, which will provide its recommendations to the Planning Board. On the basis of this review the Planning Board may require changes/additions to the proposed facility to meet the terms of this section. After construction the Northfield Building Commissioner will be responsible for annually inspecting the condition of any such facility.

#### 11.07.067 Maintenance of Common Facilities

All common facilities of the subdivision, such as wells, sanitation facilities, and solar energy facilities, will be conveyed to a corporation or trust owned or to be owned by the property owners within the development; ownership thereof shall pass with property conveyance in perpetuity.

Maintenance of all common facilities shall be permanently assured through an incorporated non-profit homeowner's association, covenant, or other agreement through which each property owner in the development is automatically a member, each has an equal say in determining the affairs of the organization, and each is subject to an equal charge for a share of the maintenance expenses, or through a

comparable arrangement satisfactory to the Planning Board. Such land agreement documents shall be submitted with the development plan and shall be subject to approval by the Planning Board and Town Counsel. This organization shall remain under the control of the developer until a majority of the properties are conveyed to a majority of the permanent owners.

Any such covenants or agreements shall provide that in the event that the organization established to own and maintain the common facilities, or any successor organization, fails to maintain the common facilities in reasonable order and condition in accordance with the site analysis/development plan, the Town may, after notice to the organization and public hearing, enter upon such facilities and maintain them in order to preserve the taxable values of the properties within the development. These covenants or agreements shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development and shall become a charge on said properties and that such charge shall be paid by the property owners within thirty (30) days after receipt of a statement therefor.

#### 11.07.078 Open Space Use

In general, all land not devoted to dwellings, accessory uses, common facilities, roads, or other development shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.

Further ~~subdivision~~ *development* of common open land, except for easements for underground utilities and public recreation, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.

#### 11.07.089 Open Space Ownership

Such common open land shall be either:

- (a) conveyed to a corporation or trust owned or to be owned by the property owners within the development ~~and the original owner(s)~~; if such a corporation or trust is utilized, ownership thereof shall pass with property conveyance in perpetuity;
- (b) conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
- (c) conveyed to the Town of Northfield, at no cost, and be accepted by it for a park or open space use; such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting.

In cases (a) and (b) above, a restriction enforceable by the Town shall be recorded to ensure that such land shall be kept in an open or natural state and shall not be built for residential use or developed for accessory uses such as parking or roadways or any other use. Such restrictions shall further provide for maintenance of the common land

in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like.

In case (a) above, ownership and maintenance of such open land shall be permanently assured through an incorporated non-profit homeowner's association, covenant, or other land agreement through which each property owner in the development is automatically a member and each is subject to a charge for a share of the maintenance expenses or through a comparable arrangement satisfactory to the Planning Board. Such land agreement documents shall be submitted with the development plan and shall be subject to approval by the Planning Board and Town Counsel. Any such covenant or agreement shall specify that each property owner shall have an equal say in determining the affairs of the organization, that costs shall be assessed equally to each such owner, and that the organization shall remain under the control of the developer until a majority of the properties are conveyed to permanent owners.

Further in cases (a) and (b) above, such covenants or agreements shall provide that in the event that the organization established to own and maintain the common open land or any successor organization fails to maintain the common open land in reasonable order and condition in accordance with the site analysis/development plan, the Town may, after notice to the organization and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. These covenants or agreements shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development and shall become a charge on said properties and that such charge shall be paid by the property owners within thirty (30) days after receipt of a statement therefor.