

ARTICLE X
Open Space Residential Development

[Amended 4-7-2008 ATM by Art. 27, approved 6-27-2008]

§ 200-47. Purposes and intent.

- A. Protect open space, agricultural and forestry land, wildlife habitat and corridors, wetlands and water resources, and historical and archeological resources;
- B. Encourage creative, environmentally sensitive design in residential developments;
- C. Encourage a more efficient form of development that consumes less open land and respects existing topography and natural features better than a conventional or grid subdivision; and
- D. Provide a variety of housing choices.

§ 200-48. Applicability.

- A. In the RA, RR, or RE District, the Community Planning Commission may grant a special permit for the following uses of a tract of land as an Open Space Residential Development, subject to the provisions of this bylaw:
 - (1) Any development of six or more dwelling units; or
 - (2) One or more divisions of land that would cumulatively result in an increase of six or more residential lots above the number existing twenty-four months earlier on a parcel or contiguous parcels of land in common ownership as of the effective date of this bylaw. For purposes of this section, a subdivision or division of land shall mean any division of land subject to M.G.L. c. 41, Sections 81K-81GG.
- B. The Community Planning Commission may grant a special permit for an Open Space Residential Development that contains less than six dwelling units or six residential lots in the RA, RR or RE District, provided that such application conforms in all respects to this bylaw.
- C. This bylaw shall not apply to the conversion of an existing structure into six or more dwelling units.

§ 200-49. Relationship to Subdivision Control.

A subdivision plan is not required for an Open Space Residential Development, but an applicant who proposes a subdivision plan for an Open Space Residential Development shall submit the same to the Community Planning Commission in accordance with the Rules and Regulations Governing the Subdivision of Land following approval of an Open Space Residential Development special permit.

§ 200-50. Basic Requirements.

- A. Permitted Uses. An Open Space Residential Development may include the following uses and may consist of any combination of the below uses:

- (1) Detached single-family dwellings.
- (2) Townhouse dwellings, not to exceed four dwelling units per building.
- (3) Open space and conservation areas.
- (4) Passive recreation, including trails for walking, hiking, cross country skiing, and areas for other low-impact activities such as picnicking and wildlife observation.
- (5) Agricultural, equestrian and horticultural uses.
- (6) Accessory recreational uses, such as a tennis court or playground.

B. Open Space Requirement.

- (1) An Open Space Residential Development must provide at least fifty percent (50%) of the total land area of the tract as permanently protected, usable, common open space that is functional for purposes intended by this bylaw.
- (2) The common open space shall have no structures, parking, private yards, patios, or gardens that are restricted for the exclusive or principal use by residents of individual dwelling units. The open space land shall be perpetually kept in an open state, and shall be preserved exclusively for the purposes set forth herein, and it shall be maintained in a manner which will ensure its suitability for its intended purposes.
- (3) The following standards apply to the common open space in an Open Space Residential Development:
 - (a) Use, Shape, Location of Common Open Space. Wherever feasible, the open space shall be undisturbed, unaltered and left in its natural 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, and serve as a visual and natural amenity for residents of the development and the Town.
 - (b) The open space shall be contiguous. "Contiguous" shall be defined as being connected and/or linked as a unit. Open Space will still be considered connected if it is separated by a roadway or an accessory amenity. The Community Planning Commission may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.
 - (c) The majority of the open space shall not be in buffer strips, undeveloped fingers between house lots, or other narrow linear forms.
 - (d) Common open space shall be usable for wildlife habitat, passive recreation, resource preservation, agriculture or equestrian uses and the following additional purposes: historic preservation, outdoor education, park purposes, horticulture, forestry, or a combination of any of these uses; and the open space shall be served by suitable access for such purposes. The Community Planning Commission may permit up to 5% of the open space to be paved (pervious paving materials are

encouraged) or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths). Parking areas and areas used for vehicular access or egress shall not constitute open space.

- (e) The location(s) of the common open space shall be subject to approval by the Community Planning Commission.
 - (f) Each parcel of common open space shall be to greatest extent practicable adequately accessible to the general public and not just for the exclusive use of a homeowners association or non-profit organization.
 - (g) Land used for common or shared septic systems may be counted toward the minimum common open space requirement, but not land use for a septic system serving one dwelling.
 - (h) Wastewater and stormwater management systems serving the Open Space Residential Development may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.
 - (i) The percentage of common open space consisting of floodplain and wetlands as defined in M.G.L. c.131, section 40 shall not exceed the percentage of wetlands in the Open Space Residential Development as a whole.
 - (j) Unless approved by the Community Planning Commission, common open space shall not be considered usable if the slope of the finished grade exceeds twenty-five percent (25%).
 - (k) Existing utility easements may not be counted as common open space.
- (4) Ownership of Open Space.
- (a) The common open space shall, at the Community Planning Commission's determination, be conveyed to:
 - [1] A corporation or trust owned jointly or in common, or to be owned jointly and in common by the owners of lots or dwelling units in the Open Space Residential Development. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance; and shall grant the Town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days of written notice to the trust or corporation as to the inadequate maintenance, and if the trust or corporation fails to complete such maintenance, the Town may perform it. The cost incurred by the Town for this maintenance due to the failure of the corporation to provide said mandatory maintenance shall be paid for by the trust or corporation. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions.

Documents creating such trust or corporation shall be submitted to the Community Planning Commission for approval, who will have Town Counsel review these documents at the expense of the applicant for the proposed Open Space Residential Development. After these documents have been approved by Town Counsel and the Community Planning Commission, the applicant is responsible for recording them in the Middlesex Registry of Deeds and providing proof of recording to the North Reading Community Planning Department;

[2] The Town or the North Reading Conservation Commission and accepted for park or open space use; or

[3] A non-profit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above.

(b) In any case where the common open space is not conveyed to the North Reading Conservation Commission, a legally enforceable restriction under M.G.L. c.184, §§ 31-33, shall be recorded with the Middlesex South Registry of Deeds, providing that such land shall be kept in an open or natural state and not be built upon or developed for accessory uses such as parking or roadways.

C. Dimensional Standards. To maximize the amount of open space, reduce site disturbance and protect significant farmland or scenic landscapes, the Community Planning Commission may waive the minimum requirements for lot area, frontage, front yard setback, maximum building area, or minimum open space as a percentage of lot area that would normally apply in the zoning district, except as provided below.

(1) Any Open Space Residential Development lot that relies on an existing public way for frontage shall conform to the dimensional requirements of the applicable zoning district.

(2) Any Open Space Residential Development lot that abuts an existing single-family dwelling shall comply with the minimum yard setback(s) of the applicable zoning district along the boundary of the abutting lot.

(3) The minimum distance between adjacent dwellings in an Open Space Residential Development shall be at least equal to the height of the taller dwelling, except that the Community Planning Commission may waive this requirement if it determines that a reduction in minimum distance between dwellings will further the goals of this bylaw.

(4) At least fifty percent (50%) of the required yard setbacks shall be maintained on interior lots in the Open Space Residential Development unless a reduction is authorized by the Community Planning Commission to accommodate “zero lot line” design.

D. Maximum Number of Units. The maximum number of units shall not exceed 1.20 times the number of single-family house lots that 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.

- E. Stormwater Management. The Community Planning Commission shall encourage the use of non-structural stormwater management techniques and other drainage systems that reduce impervious surfaces and enable infiltration where appropriate.
- F. Limitation of Subdivision. No lot shown on a plan for which an Open Space Residential Development permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the plans.
- G. Pre-Submission Conference.
 - (1) Applicants seeking an Open Space Residential Development special permit shall request a pre-submission conference with the Community Planning Commission to review the scope of the project and the site for which it is proposed. The Community Planning Commission shall invite other Town boards or officials with authority to issue permits for the project to the pre-submission conference. At a minimum, the intent of the pre-submission conference shall be to:
 - (a) Identify the key natural features of the proposed development site.
 - (b) Identify historic or culturally important features of the site.
 - (c) Identify any safety, traffic, or infrastructure issues directly related to the site.
 - (d) Identify existing trails on the site or on abutting parcels, and connections thereto. Every effort shall be made to preserve and improve existing trail networks.
 - (e) Identify areas that the Town prefers to see preserved for open space, viewshed, wildlife habitat, agricultural or agricultural buffer purposes.
 - (f) Discuss the proposed plan and any issues relative to the review criteria for the concept plan special permit.
 - (g) Discuss any issues relevant to Open Space Residential Development requirements.
 - (h) Assist the applicant in understanding all related permitting issues required for the project.
 - (i) Set a timetable for submittal of a formal application
 - (2) Pre-Submission Conference Plans and Documents Required.
 - (a) Applicants seeking an Open Space Residential Development special permit shall request a pre-submission conference with the Community Planning Commission to review the scope of the project and the site for which it is proposed. The Community Planning Commission shall invite other Town boards or officials with authority to issue permits for the project to the pre-submission conference. To facilitate the review and discussion of the Open Space Residential Development, applicants are required to submit the following information and materials:
 - [1] Site Context Map. This map illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field

inspections, it should show various kinds of major natural resources or features that cross parcel lines or that are located on adjoining lands. This map enables the Community Planning Commission to understand the site in relation to what is occurring on adjacent properties.

[2] Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features [such as old structures or stone walls], unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.

[3] Other Information. In addition, applicants are invited to submit the information set forth in § 200-51A.

(b) Site Visit. Applicants are encouraged to request a site visit by the Community Planning Commission and/or its agents to facilitate pre-application review of the Open Space Residential Development. If a site visit is requested, the Community Planning Commission shall invite other Town boards and officials to attend.

(c) Design Criteria. The design process and criteria set forth in §§ 200-50H(1) through (5) and 200-51A(7)(a)[1] through [9] and 200-51A(7)(b)[1] through [10] should be discussed by the parties at the Pre-Submission Conference and Site Visit.

H. Design Process. At the time of the application for a special permit for Open Space Residential Development, the applicant must demonstrate to the Community Planning Commission that the layout of open space, roads and dwelling units in the concept plan is based on a design analysis performed by a team that includes a Registered Landscape Architect according to the following sequence of steps:

(1) Identification of conservation areas. The first step in the design process requires identification of conservation areas on the site, including wetlands, riverfront areas, and floodplains regulated by state or federal law; unprotected natural landscape features such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats for rare or endangered species and wildlife corridors or connections thereto; cultural features such as historic and archeological sites and scenic views; and recreational features such as established trails used for horseback riding, walking and cross-country skiing. Wherever possible, conservation areas shall include areas identified by the Community Planning Commission during the pre-submission conference.

(2) Identification and delineation of the proposed development area. The second step in the design process is to define and delineate the area that will contain buildings, roadways, other site improvements and amenities for residents of the development. To the maximum extent feasible, the proposed development area shall consist of land outside the identified conservation areas.

- (3) Location of dwelling units. The third step in the design process is to identify and delineate the approximate location of dwelling units in the proposed development area. 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.
- (4) Roads and trails. The fourth step in the design process is to identify and delineate the approximate location of roads and trails. Roads should be aligned to access the dwelling units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails and sidewalks.
- (5) Lotting. The final step in the design process is to identify the approximate location of lot lines if the Open Space Residential Development will require a definitive subdivision plan.

I. Site Disturbance. After an Open Space Residential Development 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 site until the application has been reviewed and approved as provided by these regulations.

§ 200-51. Application, Review and Decision Procedures.

A. Open Space Residential Development Concept Plan Special Permit.

- (1) Procedures. A special permit may be issued by the Community Planning Commission pursuant to the notification, public hearing and decision procedures in Article VI of this bylaw.
- (2) Site Visit. Whether or not a site visit was conducted during the Pre-Submission Stage, the Community Planning Commission may conduct a site visit during the public hearing process.
- (3) Technical Experts. The Community Planning Commission may engage technical, including legal, experts, at the applicant's expense, as reasonably necessary in connection with its review of the applicant's proposed plan(s) and associated reports.
- (4) Submittal Requirements. An application for an Open Space Residential Development special permit shall include a concept plan and a yield plan. The size, form, number and contents of the concept plan and yield plan shall be set forth in the Community Planning Commission's Open Space Residential Development Regulations. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw.
- (5) Concept Plan. The concept plan shall be a schematic representation of the proposed development, with sufficient detail about existing and proposed conditions to enable the Community Planning Commission to understand what is being proposed and to be able to respond to the applicant's proposals in an informed manner. The concept plan shall incorporate the Design Process set forth in § 200-50H(1) through (5) and the Design Standards according to §§ 200-51A(7)(a)[1] through [10] and 200-51A(7)(b)[1] through

[11], when determining a proposed design for the development. The concept plan shall consist of the following:

- (a) The concept plan may be prepared from deed information, USGS topographical maps, FEMA floodplain maps, assessor's maps, orthophotos, soil maps, Department of Environmental Protection (DEP) wetland maps, and other existing data. The locations of wetlands, streams and forest limits or locations do not need to be verified during the special permit process unless the applicant has delineated the same in the field and applies to the North Reading Conservation Commission for review and determination under M.G.L. c.131 Section 40 and the North Reading Wetlands Bylaw. For purposes of the concept plan, it is not necessary to verify these constraints, but these locations should be as accurate as possible in order to avoid significant changes at the definitive plan stage of permitting.
- (b) The concept plan shall include scaled drawings prepared by a Registered Landscape Architect or by a multidisciplinary team of which one member must be a Registered Landscape Architect. The concept plan shall incorporate the Open Space Residential Development Design Process outlined in § 200-50H above. At minimum, a concept plan shall provide the following information:
 - [1] The location of the proposed development, the name of the proposed development, boundaries, north point, date, legend, title and scale.
 - [2] The name of the record owner and the applicant, and the name of the Registered Landscape Architect that prepared the plan.
 - [3] The size of the site in acres.
 - [4] An existing conditions inventory and description of conservation areas identified during the Open Space Residential Development Design Process.
 - [5] The total number and approximate locations of the proposed buildings, dwelling units and/or lots, and the approximate size of each in square feet.
 - [6] The acreage and proposed use(s) of permanent open space.
 - [7] A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open Space parcels shall be clearly delineated on the plan.
 - [8] A narrative explanation detailing the percentage of floodplain and wetlands [if any] on the entire tract of land as well as the percentage of floodplain and wetlands [if any] included in the common open space, as well as being denoted on the Concept Plan.
 - [9] 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.

- [10] A narrative explanation prepared by a certified Professional Engineer describing proposed systems for stormwater drainage and its likely impacts on-site and to any abutting parcels of land. For example, this narrative will specify whether soft or hard engineering methods will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. A soils statement (soil conservation survey is acceptable) shall be submitted to accompany the narrative explanation. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
- [11] Official soil percolation tests for the purpose of siting wastewater treatment options are not required for this Concept Plan. However, a narrative explanation shall be prepared by a certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.
- [12] All existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, community buildings, off-street parking areas [list any other parking areas as well] shall be shown on the plan and described in a brief narrative explanation where appropriate.
- [13] The existing and proposed lines of streets, ways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- [14] A narrative explanation prepared by a certified Professional Engineer, detailing the proposed drinking water supply system deemed adequate for fire protection and domestic use by the Water Superintendent and by the Fire Chief.
- [15] Sufficient detail of proposed built and natural features to enable the Community Planning Commission to make the required determinations under § 200-51A(8) below.
- [16] A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, with an accompanying narrative explaining their general purpose.
- [17] A narrative indicating all requested waivers, reductions and/or modifications as permitted within the requirements of this bylaw; as well as a narrative indicating all waivers or variances required from other local and state regulations and bylaws required for the proposed Open Space Residential Development.

- (6) Yield Plan.
- (a) 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 must comply with the following criteria:
- [1] Community Planning Commission's subdivision rules and regulations for a preliminary plan;
 - [2] Full compliance with the Zoning Bylaw in effect at the time of yield plan submittal; and
 - [3] Require no zoning variances.
- (b) 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 Open Space Residential Development shall be determined by the Community Planning Commission, based upon its review of the applicant's yield plan, but in no event shall include more than a 20% increase over the number of lots that could be developed according to the yield plan, subject to the Commission's approval. In addition to the yield plan, the applicant shall also submit a narrative explanation detailing the results of the determination the yield plan.
- (7) Design Standards. The following generic and site specific design standards shall apply to all Open Space Residential Development and shall govern the development and design process:
- (a) Generic Design Standards:
- [1] The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
 - [2] 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.
 - [3] Building designs shall relate harmoniously to the terrain and use scale, building materials, colors and architecture that are compatible with other buildings of similar scale in the vicinity; and shall relate harmoniously to the architecture of existing buildings of similar scale in the vicinity that have functional or visual relationship to the proposed buildings.

- [4] Variable lot sizes are encouraged as is a mix of housing types and house sizes to reduce monotony and repetition.
- [5] When townhouse or multi-family dwellings are proposed, the development shall (a) provide for varied roofline articulation that stresses New England village-style architecture; and (b) avoid unbroken building facades longer than sixty (60) feet, and regular spacings and building placements.
- [6] Garages shall be recessed at least five (5) feet from the front building wall of the house. Side entry and detached garages are strongly encouraged.
- [7] Developers are encouraged to provide outdoor living spaces, such as porches, on the front of residential structures, facing the street.
- [8] All open space [landscaped and usable] shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- [9] OSRD Developments proposed on a parcel of land where there are existing buildings, dwellings or structures that are listed on the National or State [Commonwealth of MA] Register of Historic Places; or on the North Reading Historic Building Survey and are more than 50 years old as of the date of application for an OSRD special permit shall be required to meet a higher standard of compatibility with existing, historically recognized architectural styles. An OSRD Development proposed on a parcel of land with existing historic buildings, dwellings or structures as defined above must preserve or generate the same number of buildings, dwellings or structures within the proposed OSRD Development that were located on the parcel of land prior to the OSRD Development application. For purposes of zoning compliance, buildings, structures or dwellings that will adhere to the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties will generally be presumed to maintain or promote such status.
- [10] The Community Planning Commission may issue building form guidelines to clarify the design standards listed in this subsection.

(b) Site Specific Design Standards.

- [1] Residential structures shall be oriented toward the street serving the premises and not the required parking area. When the Open Space Residential Development will include a mix of housing types, the developer shall seek to place single-family houses towards the perimeter of the site, especially where it abuts residentially zoned and occupied properties.
- [2] Mix of Housing Type. An Open Space Residential Development may utilize a combination of the permitted uses listed in § 200-50A, as follows. The Open Space Residential Development shall consist of a minimum of 50% single-family dwellings and up to a maximum percentage of the following housing types: 100% single-family dwellings, 50% two-family

townhouse dwellings and 25% multi-family townhouse dwellings [not to exceed four dwelling units per building]. The Community Planning Commission may waive this requirement and allow an increased percentage of two-family or multi-family housing types where it is determined that allowing such an increase will promote the goals of this bylaw.

- [3] Multifamily structures shall be sited and screened to minimize any potential negative visual impact on abutting single-family structures, both on and off site.
- [4] Parking. Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation. Resident parking for multifamily structures shall be placed to the side or rear of the building, and the primary pedestrian/visitor entrance shall face the street. All parking areas with greater than 6 spaces shall be screened from view.
- [5] Buffer Areas. A buffer area of 50 feet shall be provided at the perimeter of the Open Space Residential Development boundary running the full length of the perimeter of the tract. The Community Planning Commission may also require a 50 foot buffer area in the following locations: a) certain resource areas on or adjacent to the parcel, such as ponds, wetlands, streams and riverfront areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes; and b) existing public ways. No vegetation in a designated buffer area may be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The buffer zone shall remain in its natural state except that trees or shrubs may be added to enhance the appearance of the buffer zone. Driveways necessary for access and egress to and from the tract may cross such buffer areas. The Community Planning Commission may waive this buffer requirement in these locations when it determines that a smaller buffer [or no buffer] will suffice to accomplish the objectives set forth herein. However, under no circumstances shall the Community Planning Commission be able to waive the 50-foot buffer requirement in its entirety for locations at the perimeter of the Open Space Residential Development tract where it abuts residentially zoned and occupied properties. In these locations, the buffer requirement may only be reduced to a 30-foot buffer, and it may not be eliminated.
- [6] Drainage. The Community Planning Commission shall encourage the use of "soft" (non-structural) natural stormwater management techniques (such as rain gardens and open grass and bio-retention swales) and other drainage techniques that do not create impervious surface and that enable infiltration where appropriate. Stormwater should be treated at the source to limit non-point source pollution. Water conservation measures, including but not limited to the use of rainwater retention systems, such as rain barrels and cisterns for water irrigation purposes, are also strongly encouraged.

- [7] Screening and Landscaping. All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan. The landscape plan shall not include invasive plant species and shall include species that are drought tolerant and provide habitat value. Native plant species are strongly encouraged. In-ground sprinkler systems are strongly discouraged.
 - [8] On-site Pedestrian and Bicycle Circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, and recreation facilities [including parkland and open space]; walkways and bicycle paths shall also be provided to create pedestrian and bicycle links to off site land uses, including nearby key destinations (schools, neighborhood activity centers, recreational facilities) and existing or proposed segments of the Town's trail network.
 - [9] Signage and Parking for Trails and Passive Recreational Open Space. Signage denoting the entrance to open space used for passive recreation, resource preservation, agriculture or equestrian uses, historic preservation, outdoor education, park purposes, horticulture, forestry shall be provided. In addition, parking spaces for access to the Open Space shall be constructed and provided, and the parking space areas shall indicate the purpose of these parking spaces is for access to the Open Space.
 - [10] Disturbed areas. Not more than fifty percent (50%) of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. The Community Planning Commission may allow a greater area of temporary disturbance to the extent it determines that doing so will substantially further the purposes and intent of this bylaw and otherwise be in the best interests of the community.
 - [11] Roadways. Developers shall balance the need to minimize the amount of paved surface on the site with the need to route roadways carefully in order to minimize environmental impact. Developers shall establish a right-of-way no greater than 50 feet. The Community Planning Commission will consider permitting reduction of roadway width or other Roadway Design Requirements (outlined in the Rules and Regulations Governing the Subdivision of Land) in order to reduce environmental impacts of the development, so long as the applicant demonstrates that such reduction will not decrease pedestrian and vehicular safety and or impeded access for emergency vehicles.
- (8) Decision. The Community Planning Commission shall take one of the following actions within 90 days of the close of the public hearing:
- (a) The Commission may approve an Open Space Residential Development special permit with any conditions, safeguards, and limitations, if it determines that the proposed Open Space Residential Development has less detrimental impact on the tract and further advances the interests of the community than a conventional subdivision plan for the tract, after considering the following factors:

- [1] The degree to which the conceptual design and layout of the proposed Open Space Residential Development preserves open space for conservation and recreation, protects natural features of the land, and achieves efficient provision of streets, utilities and other public services;
 - [2] The degree to which the Open Space Residential Development promotes permanent preservation of open space, agricultural land, forestry land, existing and proposed trails, natural resources including water bodies and wetlands, and historical and archeological resources;
 - [3] The degree to which the Open Space Residential Development achieves sustainable design through a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
 - [4] The degree to which the Open Space Residential Development reduces the total amount of disturbance on the site;
 - [5] The degree to which the Open Space Residential Development furthers the goals and policies of the Town of North Reading Master Plan and Town of North Reading Open Space and Recreation Plan, as amended from time to time;
 - [6] Whether the proposed construction of housing, landscape and streetscape is in harmony with the overall architectural heritage and historic character of the Town of North Reading;
 - [7] The degree to which the Open Space Residential Development facilitates the construction and maintenance of streets, utilities and public service in a more economical and efficient manner than in a conventional subdivision;
 - [8] Whether the Concept Plan and its supporting narrative documentation complies with all sections of this Zoning Bylaw; and
 - [9] The degree to which the Open Space Residential Development furthers the purposes of this bylaw.
- (b) The Commission may deny a special permit upon finding that the application does not comply with the provisions of this bylaw.
 - (c) If the Commission finds that the proposed location is better suited for a conventional division of land, the Commission shall deny the Open Space Residential Development special permit and provide written authorization to the applicant to submit a conventional subdivision plan for six or more lots in accordance with the Rules and Regulations Governing the Subdivision of Land.
- (9) Effect of Special Permit Approval. Approval of the Open Space Residential Development special permit shall not be considered approval of 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 proposed concept meets the objectives of this bylaw. Any subdivision plan or site plan submitted for

approval following issuance of the Open Space Residential Development special permit shall substantially conform to the special permit and any conditions imposed therein by the Community Planning Commission.

- (10) Duration of Special Permit. The special permit shall lapse no later than two years from the date of issuance if substantial use or construction has not commenced by such date, except for good cause shown, and the applicant requests, before the date that the special permit would lapse, that the Community Planning Commission extend the special permit.

B. Open Space Residential Development Definitive Plan.

- (1) Following issuance of an Open Space Residential Development special permit under Subsection A above, the applicant shall submit one of the following to the Community Planning Commission for review and approval:
 - (a) A site plan under Article XVII of this bylaw, subject to the decision standards in Subsection B(2) below, where the proposed Open Space Residential Development does not constitute a subdivision; or
 - (b) A definitive subdivision plan under the Rules and Regulations Governing the Subdivision of Land.
- (2) Site Plan Decision. The Community Planning Commission shall make one of the following decisions in acting upon the site plan under § 200-98:
 - (a) The Commission may approve an Open Space Residential Development Site Plan only upon its determination that the plan substantially complies with the concept plan special permit and satisfactorily addresses all of the following criteria:
 - [1] Adequate access to each structure for public safety equipment and personnel;
 - [2] Adequate utility service and drainage, consistent where applicable with the North Reading Subdivision Regulations in effect at the time of the submission of the site plan;
 - [3] Adequate measures to reduce the volume of cut or fill, soil erosion, and visual intrusion of parking areas viewed from public ways or abutting properties;
 - [4] Protection of pedestrian and vehicular safety within the site and egressing from it; and
 - [5] Compliance with all the other requirements of the Zoning Bylaw.
 - (b) The Commission may disapprove an Open Space Residential Development Site Plan that does not substantially comply with the concept plan special permit. An Open Space Residential Development Site Plan will be considered not to comply substantially with the concept plan special permit if the Commission determines that any of the following conditions exist:

- [1] An increase in the number of buildings or dwelling units;
 - [2] A significant decrease in acres of open space;
 - [3] A significant change in the development layout which adversely affects natural landscape features and open space preservation;
 - [4] Significant changes to the stormwater management facilities approved as part of the special permit decision; and/or
 - [5] Significant changes in wastewater management systems.
- (c) The Commission may conditionally approve an Open Space Residential Development Site Plan that does not substantially comply with the concept plan special permit, provided that such conditional approval shall identify where the site plan does not substantially comply and/or contains significant changes from the approved Open Space Residential Development Special Permit; and shall require that the special permit be amended to be in compliance with the changes identified by the Commission.
- (3) Subdivision Plan. An Open Space Residential Development that involves a subdivision of land shall be submitted to the Community Planning Commission for approval under the Subdivision Control Law and the North Reading Rules and Regulations Governing the Subdivision of Land. The Commission's approval of an Open Space Residential Development special permit shall neither oblige the Commission to approve any related definitive plan nor substitute for such approval. The subdivision plan shall substantially comply with the Open Space Residential Development concept plan special permit.

§ 200-52. Severability.

If any portion of this bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.