

[New Section 6-3. Existing sections 6-3 and 6-4 will be renumbered]

6-3 VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

a) Purpose

The purpose of this section, in addition to the general purposes of these Zoning Bylaws, is to:

1. Provide a variety of housing types in close proximity to jobs, schools, shopping, services, and transit, and in areas served by the water and sewer districts.
2. Address the need for affordable housing documented in the Buckland Housing Plan, as updated.
3. Encourage residential infill development within the village zoning districts that balances new development with the conservation of open space.
4. Preserve the rural, historic, and agricultural character of the community by directing new development to appropriate locations.

b) General Description

Village Open Space Residential Development refers to an optional residential development method in which lots for buildings and accessories are grouped together in one or more clusters within the boundaries of a larger parcel of land. The building lots are of reduced size and concentrated together, taking up only a portion of the parcel of land. Land not included in building lots or roadways is permanently conserved as open space. Village Open Space Residential Development may be created as a subdivision of land or on lots for which subdivision approval is not required.

c) Procedures

1. The Planning Board may approve a Site Plan in accordance with Section XII Site Plan Review, for the construction of a Village Open Space Residential Development in the Village Residential, Village Commercial, or Historic Industrial districts, subject to the regulations and conditions set forth under this section, Section XII Site Plan Review, and the Rules and Regulations Governing the Subdivision of Land in the Town of Buckland, if it finds that the applicant's proposal would serve the purposes of this section and the general purposes of these Zoning Bylaws.
2. Applicants are encouraged to contact the Planning Board prior to an application for a Village Open Space Residential Development to discuss applicant's plans.
3. Applicants for a Village Open Space Residential Development shall submit a Site Plan meeting all requirements of this Village Open Space Residential Development Bylaw, Site Plan Review (Section XII) and, if applicable, all requirements of the Buckland Subdivision Rules and Regulations for a preliminary plan. The plan shall show locations of proposed streets, building envelopes and protected open space.
4. In addition to any information required by the above-referenced Subdivision Rules and Regulations, the application shall include the following information:

- a.) The form of organization proposed to own and maintain the conserved open space;
- b.) The substance of covenants to be imposed upon use of the conserved open space; and
- c.) A development schedule.

d) Minimum Standards

1. There is no minimum land area requirement for a Village Open Space Residential Development. All land within the development tract shall be under single ownership at the time of the application.
2. A single-family or two-family dwelling shall be permitted per lot in the development. Village Open Space Residential Developments proposing multi-family dwellings may be issued a Special Permit by the Planning Board in accordance with Section IX.
3. At least thirty percent (30%) of the total parcel shall be permanently protected common open space. The minimum required protected common open space shall not include wetlands, water bodies, all areas with slopes of 25% or greater, 100-year floodplains, and existing permanently protected open space. To the extent possible the protected open space shall form a contiguous tract and shall be restricted to agricultural uses, community gardens, recreational uses such as a park, playground, or multi-use path or walkway, or a conservation area. Such common open space shall have suitable access to and from the development's street(s), and shall be readily accessible to the owners and occupants of the Village Open Space Residential Development. Structures or buildings accessory to recreation, conservation, or agricultural use may be erected but shall not exceed ten percent (10%) coverage of the common open space. Ground-mounted solar electric generating installations occupying 1,000 square feet or less may be erected in the common open space and shall count towards the 10% coverage maximum.
4. Further subdivision of common open land or its use for other than recreation, conservation, or agricultural, except for easements for underground utilities, shall be prohibited. Every Site Plan Approval for a Village Open Space Residential Development shall include a condition that the approved and recorded Definitive Subdivision Plan or ANR plan, as applicable, of said Village Open Space Residential Development shall have endorsed upon it a statement that the subdivision or ANR is an approved Village Open Space Residential Development and that no land within the development may be further subdivided as to increase the number of building lots, and shall contain a reference to the approved Site Plan and associated conservation restriction or covenant and where they are recorded.
5. Village Open Space Residential Developments shall be served by public water and sewer.

e) Dimensional and Density Requirements

1. The minimum lot size within a Village Open Space Residential Development shall be 8,000 square feet, with a minimum frontage of 60 feet. The minimum lot size may be further reduced to accommodate a density bonus in accordance with Section 0-0 f) Density Bonus.

2. Single-family dwelling units may be laid out with one side having no side yard setback (zero lot-line). A shared common wall is required between the two single-family homes on the zero-lot line. The other side yard of an attached single-family unit (the nonattached side) shall be at least 10 feet.
3. The initial total number of building lots created from any parcel shall be no more than the number which could be built upon according to Section V 5-2 Dimensional Schedule, unless a density bonus is granted pursuant to Section 0-0 f) Density Bonus.
4. All other dimensional requirements, in accordance with Section V 5-2 Dimensional Schedule, shall apply for the respective zoning district where a Village Open Space Residential Development is proposed.

f) Density Bonus

1. The number of lots in the development may be increased through a density bonus designed to advance the goals of the Town of Buckland’s Master Plan, Open Space and Recreation Plan, and Housing Plan, as amended and updated. A development plan that meets any of the following criteria will earn a bonus in the form of extra building lots allowed within the development. The Planning Board will determine, upon review of the development plan, the bonus lot total. Bonus lots are calculated using the following criteria:
 - a) If the development allows public access to the open space and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as access to a playground or recreational trail): 20% bonus
 - b) If the development creates a minimum of 20% affordable housing units and meets the requirements of Section 0-0 g Affordable Housing Requirements: 20% bonus
 - c) If the development permanently protects more than 30% of the parcel as open space: 5% bonus for each additional 5% of open space protected
2. The total number of bonus building lots under this section cannot exceed 40% of the maximum number of building lots allowed under Section 0-0 e3. When determining the final total number of bonus lots, fractions less than 0.5 shall be rounded down to the next lowest whole number. Totals ending in 0.5 or greater shall be rounded up to the next whole number.
3. The minimum lot size of individual lots may be reduced below the requirement of Section 0-0 e1 to accommodate bonus lots; however, in no case shall an individual lot be smaller than 5,000 square feet. All other dimensional requirements in Section 0-0 e shall apply.

g) Site Design Process

When a Village Open Space Residential Development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that the following design process was used in determining the layout of proposed streets, house lots, and contiguous open space.

1. Understanding the site - Inventory existing site features, including natural, scenic and cultural resources on the site, and the connection of these important features to each other.

2. Evaluating site context - Evaluate the site in its larger context by identifying natural (e.g., stream corridors, wetlands), transportation (e.g., road, sidewalk, and bicycle networks), and recreational connections to surrounding land uses and activities.
3. Designating the protected open land - Identify the protected open land to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space and recreation networks.
4. Locating development areas - 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 shared amenities, to reflect an integrated neighborhood, with emphasis on consistency with the Town's historical development patterns.
5. Illustrating lot lines - Draw in the lot lines.

h) Affordable Housing Requirements

1. The affordable housing units created through this Bylaw shall qualify as Local Action Units through the Department of Housing and Community Development's (DHCD) Local Initiative Program, or through other affordable housing programs that result in units that are eligible for listing on the Ch.40B Subsidized Housing Inventory. The applicant shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify affordable units for listing on the Chapter 40B Subsidized Housing Inventory.
2. All affordable housing units created under this Bylaw shall be situated within the development so as to be integrated with market-rate units in the development and shall be compatible in design, appearance, construction, and quality of exterior materials with other units. The total number of bedrooms in affordable housing units shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the development.
3. Affordable housing units shall be developed concurrently with market-rate units to the extent feasible.

i) Open Space Requirements

The following standards shall apply to the open space to be protected as part of the Village Open Space Residential Development:

1. Unless conveyed to the Buckland Conservation Commission, the required open space shall be subject to a permanent restriction in accordance with M.G.L. Chapter. 184 Section 31-33, approved by the Planning Board and Board of Selectmen and held by the Town of Buckland, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under M.G.L. Chapter 184, Section 31-33. Any proposed open space that does not qualify for inclusion in a restriction shall be subject to a Restrictive Covenant in perpetuity under M.G.L. Chapter 184, Sections 26-30, which shall be approved by the Planning Board and Board of Selectmen and held by or for the benefit of the Town of Buckland.

2. The restriction or covenant shall specify the prohibited and permitted uses of the restricted land, consistent with the minimum standards of this bylaw and any permits. The restriction or covenant may permit, but the Planning Board may not require, public access to the protected land.

3. The open space may be owned as follows:
 - a.) Conveyed to a Homeowners Association made up of the owners within the development subject to a covenant, running with the land that provides for the following:
 - I. Ownership and membership within the Homeowners Association shall pass with conveyances of the lots in perpetuity.
 - II. Maintenance of open space shall be ensured by establishing a maintenance fee for each lot sufficient to cover maintenance expenses or through a comparable arrangement satisfactory to the Planning Board.
 - III. The covenant established shall specify that each lot owner have equal say in determining the affairs of the organization, and that costs shall be assessed equally to each lot.
 - b.) Conveyed to a non-profit land trust whose principal purpose is to conserve farmland and/or forest land;
 - c.) Conveyed to the Town, at no cost. Acceptance of such a conveyance shall be at the option of the Town and shall require approval at Town Meeting; or
 - d.) The Planning Board, at the request of the Applicant, may grant a Special Permit to have the Protected Open Space retained by a private individual or a trust owned by private individuals provided that the interests of the residents of the Village Open Space Residential Development will be protected as outlined in the requirements of the Restriction. Such Special Permit shall meet the requirements of Section IX, Special Permits of the Zoning Bylaws and other requirements to be determined by the Planning Board.

j) Design Guidelines

The purpose of the design guidelines is to preserve and enhance the historic village development pattern of the Town of Buckland by promoting new housing that complements the existing neighborhood character. New homes developed as part of a Village Open Space Residential Development should reflect the historic character of the surrounding neighborhood(s) and shall comply with the following guidelines:

1. At least one entrance should face the street and be covered. Front porches are encouraged.
2. New buildings should be consistent with nearby building orientation, scale, heights and rooflines.
3. Parking should be provided to the side or rear of the building. Also see Section VII 8-5 Parking Regulations.
4. Garages for automobiles should have a front setback at least ten (10) feet greater than the principal building's front setback.
5. Existing mature trees and vegetated buffers should be maintained to the extent practicable.

k.) Village Cottage Development

Village Cottage Development is a variation of Village Open Space Residential Development, and is a pedestrian-friendly collection of small homes facing common green spaces. The purpose of Village Cottage Development is to provide a flexible development option that balances open space with housing infill, and which is harmonious with Buckland's village character and helps meet the housing needs of smaller households. The following standards shall apply to Village Cottage Development:

1. Village Cottage Development applications shall comply with Section 0-0 c) Procedures, and Section 0-0 d) Minimum Standards for a Village Open Space Residential Development.
2. For Village Cottage Developments, the allowable density for residential lots shall be no more than the number which could be built upon according to Section V 5-2 Dimensional Schedule, unless a density bonus is granted pursuant to Section 0-0 f) Density Bonus.
3. Density Bonus - The number of lots determined in Section 0-0 J) 2, above, may be increased through a density bonus following the provisions of Section 0-0 f) 1-2.
4. Accessory Dwelling Units – Detached (see Section #-# for definition) are prohibited within Village Cottage Development.
5. Minimum dimensional requirements –
 - a.) Lot Size and Frontage - There shall be no required minimum lot size or frontage within a Village Cottage Development. Vehicular access to the development shall be provided from an existing public way and shall be through the existing frontage on such public way.
 - b.) Setbacks - The minimum setback for any structure within the Village Cottage Development from a public way or perimeter lot line shall be 10 feet. In no event shall principal structures on a lot (whether single-family, two-family, or multi-family) be closer than 20 feet to each other.
 - c.) Building Height – The maximum height of structures in a Village Cottage Development shall be 25 feet.
 - d.) Dwelling Unit Building Footprint – The maximum building footprint per unit for a 2-story dwelling is 800 square feet; the maximum building footprint per unit for a single-story dwelling unit is 1,200 square feet.
6. Additional Requirements:
 - a.) Affordable Housing – Affordable housing is encouraged in Village Cottage Development. A density bonus is offered for developments including Affordable units according to Section 0-0 f) b. Affordable units in a Village Cottage Development shall adhere to the requirements in Section 0-0 h).

- b.) Open Space – Common open space within a Village Cottage Development shall meet the requirements of Section 0-0 d) 3-4 and Section 0-0 i) Open Space Requirements.

- c.) Site Design – Village Cottage Developments shall meet the requirements of Section 0-0 g) Site Design Process. In addition, Village Cottage Developments shall comply with the following standards:
 - I. Cottages in clusters of up to 12 dwelling units shall face common open space areas and be connected via pedestrian pathways; multiple clusters may be proposed within one development.

 - II. A minimum of one (1) parking space shall be provided per dwelling unit. Parking may be provided to the side or rear of buildings, or may be provided within detached parking areas or garages.

 - III. There shall be an adequate, safe, and convenient arrangement of pedestrian, bicycle, and vehicular circulation, driveways, and parking. Access roads shall be designed and constructed according to the requirements of the Buckland Subdivision Rules and Regulations. Adequate emergency access to individual dwelling units shall be provided via roads, driveways, or pathways designed to accommodate emergency vehicles; the Shelburne Falls Fire District will be provided copies of the Site Plan as part of the Site Plan Review process.

 - IV. Existing mature trees and vegetated buffers should be maintained to the extent practicable.

- d.) Design Guidelines – Structures within Village Cottage Developments shall comply with the following guidelines:
 - I. At least one entrance to each dwelling unit should face the common open space and be covered. Front porches are encouraged.

 - II. At least 50% of the dwelling units within the development must be within structures that are 1.5 stories or less. Gable or hip roofs with a steep pitch are encouraged.

 - III. Use of clapboard or shingles for siding is encouraged.