

**SPECIAL TOWN MEETING WARRANT
TOWN OF BUCKLAND
COMMONWEALTH OF MASSACHUSETTS, FRANKLIN SS.**

To either of the Constables of the Town of Buckland in the Commonwealth of Massachusetts, you are hereby directed to notify to meet at the Mohawk Trail Regional School parking lot, Ashfield Road, Buckland on the 23rd day of October at 10 AM, then and there to act on the following articles:

ARTICLE 1: Accessory Dwelling Units – Zoning Bylaw Amendment

Submitted by: Buckland Planning Board

To see if the Town will vote to amend the Buckland Zoning Bylaws, SECTION II: DEFINITIONS by substituting the following language for the current definitions as written below:

ACCESSORY DWELLING UNIT/APARTMENT—: a self-contained dwelling unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller. the alteration of an existing single-family home with no expansion of square footage to create one additional dwelling unit consisting of no more than four rooms and no more than 800 square feet of living area. The Accessory Apartment shall be occupied by no more than two people. The owner of the property shall permanently occupy the principal or accessory dwelling/residence. Adequate off-street parking shall be provided. See also Section 4-4 Accessory Dwelling Units.

TRAILER OR CAMPER OR MOBILE HOME: trailer or camper or mobile home shall mean any vehicle or object on wheels, excluding railroad cars, ~~having no motive power of its own, but~~ which is drawn by or used in connection with a motor vehicle and which is designed for travel, recreational, and vacation uses, including equipment commonly called travel trailers, pick-up coaches or campers, motorized campers, and tent trailers, but not mobile homes. ~~so designed and constructed or reconstructed or added to any means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundations and shall include a type of vehicle commonly known as a mobile home, which shall be defined to mean~~

MOBILE HOME: a dwelling unit built on a chassis to U.S. Department of Housing and Urban Development (HUD) standards and containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

MODULAR HOME: a dwelling that is prefabricated at a factory or other off-site

location and containing complete electrical, plumbing and sanitary facilities, which is designed to be installed on a permanent foundation for permanent living quarters, excluding Mobile Homes and Trailers. A modular home shall comply with the State Building Code.

And to further amend SECTION IV: USE REGULATIONS as written below:

SECTION IV: USE REGULATIONS

a) The following Table of Use Regulations is hereby adopted as part of this Zoning Bylaw.
The following codes shall apply:

Y = Yes, the use is permitted by right in that zoning district.

N = No, the use is not permitted in that zoning district.

SP = The use is allowed in that zoning district only if a special permit has been granted by the Zoning Board of Appeals.

SPP = The use is allowed in that zoning district only if a special permit has been granted by the Planning Board.

SPR = The use is allowed in that zoning district only if a site plan review has been conducted under the approval of the Planning Board. See Section 12.

VC = Village Commercial

VR = Village Residential

RR = Rural Residential

C = Commercial

I = Industrial

HI = Historic Industrial

b) The Table of Use Regulations shall be as follows:

<u>Residential Uses</u>	<u>VC</u>	<u>VR</u>	<u>RR</u>	<u>C</u>	<u>I</u>	<u>HI</u>
Single-Family Dwelling	Y	Y	Y	Y	SP	Y
Two-Family Dwelling	Y	Y	Y	Y	SP	Y
Accessory <u>Dwelling Unit</u> Apartment – <u>Attached</u>	Y	Y	Y	Y	N	Y
<u>Accessory Dwelling Unit – Detached</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>N</u>	<u>SP</u>
Temporary Mobile Home (see Section 8-4)	Y	Y	Y	Y	Y	Y
Mobile Home	N	N	Y	N	N	N
Mobile Home Parks	N	N	N	N	N	N
Bed and Breakfast, up to 4 rooms	Y	SP	Y	Y	N	SP
Multi-Family Dwelling	SP	SP	SP	SP	N	SP

And to further amend to add new Section 4.4 Accessory Dwelling Units and to subsequently renumber Sections 4.4 through 4.6 as written below:

4-4 ACCESSORY DWELLING UNITS

An accessory dwelling unit is a self-contained dwelling unit incorporated within a detached single-family home, or within an accessory structure on a single-family house lot, that is subordinate to and maintains the appearance of the principal structure as a single-family dwelling. For the purposes of this bylaw, there are two types of accessory dwelling units:

- a) Accessory dwelling unit – attached, shall mean the alteration of an existing single-family home to create one additional dwelling unit with no more than 900 square feet of living area, or one-half of the floor area of the single-family dwelling, whichever is less.
- b) Accessory dwelling unit – detached, shall mean the creation of one additional dwelling unit on a single-family house lot in an existing or new detached accessory structure. The accessory apartment shall consist of no more than 900 square feet of living area, or one-half of the floor area of the single-family dwelling, whichever is less. A detached accessory dwelling unit shall not be a trailer or camper, as defined in these bylaws.
- c) Purpose – The purpose of permitting accessory dwelling units is to:
 1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
 2. Provide younger homeowners with a means of obtaining rental income and thereby enabling them to own a home they might otherwise not afford;
 3. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to households who might otherwise have difficulty finding housing;
 4. Protect stability, property values, and the single-family residential character of a neighborhood by ensuring accessory apartments are created only in owner-occupied houses; and
 5. Provide housing units for persons with disabilities.
- d) Conditions and Requirements – The Building Inspector may issue a building permit for the installation and use of an attached accessory dwelling unit, and the Zoning Board of Appeals may issue a Special Permit for the installation and use of a detached accessory dwelling unit, only when the following conditions are met:
 1. The accessory dwelling unit will be a complete dwelling unit with a separate entry and contain a kitchen and bathroom.
 2. The gross floor area of the accessory dwelling unit shall not be greater than 900 square feet, or one-half of the floor area of the single-family dwelling, whichever is less. Floor area means finished living space, but does not include unfinished attic

space, unfinished basement space, unfinished garage or barn space, porch, or patio. An accessory dwelling unit cannot be enlarged by future additions.

3. Only one accessory dwelling unit may be created within a single-family home or house lot.
 4. An accessory dwelling unit may be located within or attached to the principal dwelling, within an existing accessory structure such as a garage or barn, or within a new accessory structure located on the same lot as the principal single-family dwelling. The accessory dwelling unit must meet all front, side, and rear yard setbacks for the zoning district in which it is located according to Section V Intensity Regulations, unless a Special Permit is issued by the Zoning Board of Appeals in accordance with Section V 5-3 Exception to Dimensional Requirements for Yards.
 5. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence. A covenant, in a form satisfactory to Town Counsel, stating the conditions of any permit issued under this Section must be recorded in the Franklin County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Inspector of Buildings, prior to the occupancy of the accessory dwelling unit. When a property with an accessory dwelling unit is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Inspector of Buildings stating that they will occupy one of the dwelling units on the premises as their primary residence. This statement shall be listed as a condition on any Permits which are issued under this Section.
 6. The accessory dwelling unit must have a minimum of one (1) off-street parking space provided in addition to the off-street parking spaces required for the single-family dwelling. No more than one curb cut or driveway access shall be permitted for the lot, unless the Zoning Board of Appeals determines that a second driveway will improve public safety and not detract from the rural character of the road.
 7. The design and room sizes of the accessory dwelling unit must conform to all applicable standards in the health, building, and other codes. A permit for an accessory dwelling unit may only be approved subject to obtaining any required approvals from the Board of Health, including compliance with the State Sanitary Code 310 CMR 15 ("Title 5") for septic systems, where applicable.
 8. An application for building permit or Special Permit for an accessory dwelling unit shall include any information necessary to show proposed interior and exterior changes and to determine compliance with the conditions of this subsection, including a plot plan and floor plans with proposed interior and exterior changes to the building.
- e) Modification or Waiver – No provision of this section may be modified or waived.

;or to take any action related thereto.

The Buckland Planning Board voted to issue a favorable report at their Sept. 28, 2021 meeting and recommends to Town Meeting the adoption of the proposed zoning amendments.

ARTICLE 2: Village Dimensional Requirements – Zoning Bylaw Amendment

Submitted by: Buckland Planning Board

To see if the Town will vote to amend the Buckland Zoning Bylaws, SECTION 5-2 DIMENSIONAL SCHEDULE as written below:

5-2 DIMENSIONAL SCHEDULE

	Minimum Lot Area in sq. ft.	Minimum Lot Frontage in sq.-feet	Front Yard Setback in feet	Side Yard Setback in feet	Rear Yard in feet	Maximum Height in feet	Maximum* Lot Coverage
Village*** Residential	20 10,000	75 100	20**	10	10	35	50%
Rural Residential	80,000	200	20	15	30	35	35%
Village Commercial	20 10,000	75 100	20**	10	10	50	70%
Commercial	80,000	200	30	30	30	35	50%
Historic Industrial	20 10,000	75 100	20**	10	10	50	70%
Industrial	80,000	200	50	30	30	35	50%

*Lot Coverage -- The area of a lot occupied by structures, walkways, drives, parking or other impervious or semi-pervious surfaces.

**The front yard dimension may be determined by the setback of existing structures on adjacent parcels where these setbacks are less than the minimum front yard dimension required by this Bylaw.

*** Increase the lot size to 40,000 square feet and lot frontage to 150 feet if water or sewer is not available.

;or take any action related thereto.

The Buckland Planning Board voted to issue a favorable report at their Sept. 28, 2021 meeting and recommends to Town Meeting the adoption of the proposed zoning amendments.

ARTICLE 3: Village Open Space Residential Development – Zoning Bylaw Amendment

Submitted by: Buckland Planning Board

To see if the Town will vote to amend the Buckland Zoning Bylaws, SECTION 4.3 TABLE OF USE REGULATIONS and to add a new Section 6.3 Village Open Space Residential Development, and to subsequently renumber existing sections 6.3 and 6.4; as provided in Attachment A; or take any action related thereto.

The complete text of this proposed Zoning Bylaw amendment “Attachment A – Village Open Space Residential Development” is on file with the Town Clerk at the Buckland Town Hall, 17 State Street, Buckland, MA and is available for inspection during the regular business hours of the Town Clerk. The complete text is also posted on the Town’s Website at town.buckland.ma.us.

The Buckland Planning Board voted to issue a favorable report at their Sept. 28, 2021 meeting and recommends to Town Meeting the adoption of the proposed zoning amendments.

ARTICLE 4: Recreation Department, Swimming Pool PARC Grant -- Acceptance & Authorization

To see if the Town will vote to: (a) raise and appropriate, transfer from available funds, and/or borrow the sum of \$1,263,104.00, and authorize the Treasurer with the approval of the Select Board to borrow said sum under the provisions to G.L. Chapter 44, Sections 7, 8, 8C and/or any other enabling authority, for the purpose of planning, designing and constructing a new pool and pool house at the Buckland Recreation Area located at 66 Ashfield Road, identified on Assessor’s Map 2 0 18, including, without limitation, all costs incidental or related thereto, provided, however, that no funds be expended until the Town has received a grant commitment in the amount of \$400,000 under the PARC Grant Program (301 CMR 5.00) to undertake the foregoing project, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, section 20 of the General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; (b) transfer the care, custody, management and control of the Buckland Recreation Area from the Select Board to the Buckland Recreation Committee, and to dedicate said land to park and active recreation purposes pursuant to the provisions of G.L. c. 45, sec. 3; and (c) authorize the Select Board and/or its designee to apply for and accept on behalf of the Town funds granted pursuant to the PARC Grant Program and/or any other funds, gifts, or grants, under any federal and/or other state program in any way connected with the scope of this this article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project; or take any action related thereto.

ARTICLE 5: Highway Department, Nilman Road Culvert Replacement -- Borrowing

To see if the Town will appropriate a sum of money by borrowing to replace the Nilman Road Culvert (No. B28017) at Clark Brook in Buckland, Massachusetts, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for such purpose, or take any other action relative thereto.

ARTICLE 6: Buildings & Grounds, FY22 Salary Expense – Transfer

To see if the Town will vote to transfer from the FY22 Highway Department salary expense budget a sum of money to the FY22 Public Buildings salary expense budget; or take any action relating thereto.

ARTICLE 7: Buildings & Grounds, FY22 General Expense – New Appropriation

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to supplement the FY22 Public Buildings general expense budget as described below; or take any action relating thereto.

Materials	Tools	Fuel
\$3,000	\$5,000	\$2,500

ARTICLE 8: Buildings & Grounds, Tractor Purchase – Capital Expense

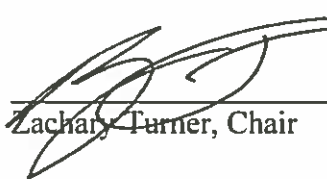


To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purchase of a tractor for use by the Buildings & Grounds Department; or take any action relating thereto.

ARTICLE 9: Police Department, Hybrid Cruiser -- Capital Expense

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purchase of a hybrid cruiser for use by the Police Department; or take any action relating thereto.

You are directed to serve this warrant by posting attested copies thereof at the United States Post Office and Buckland Public Library, Buckland Center, and Town Hall, 17 State Street, in said town, fourteen days at least, before the time of holding said meeting.

Thereof, fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid. Given under our hand this 5th day of October 2021.

 Zachary Turner, Chair
 Barry L. Del Castilho, Member
 Clint Phillips, Member

CONSTABLE'S RETURN
FRANKLIN, SS:

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Buckland by posting attested copies of same at three public places and fourteen days before the day hereof, as within directed.

CONSTABLE:  DATE: 10-2-21

ATTACHMENT A

PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

4-3 TABLE OF USE REGULATIONS

- a) The following Table of Use Regulations is hereby adopted as part of this Zoning Bylaw. The following codes shall apply:

Y = Yes, the use is permitted by right in that zoning district.

N = No, the use is not permitted in that zoning district.

SP = The use is allowed in that zoning district only if a special permit has been granted by the Zoning Board

of Appeals.

SPP = The use is allowed in that zoning district only if a special permit has been granted by the Planning Board.

SPR = The use is allowed in that zoning district only if a site plan review has been conducted under the approval of the Planning Board. See Section 12.

VC = Village Commercial

VR = Village Residential

RR = Rural Residential

C = Commercial

I = Industrial

HI = Historic Industrial

- b) The Table of Use Regulations shall be as follows:

	VC	VR	RR	C	I	HI
RESIDENTIAL USES						
Single-Family Dwelling	Y	Y	Y	Y	SP	Y
Two-Family Dwelling	Y	Y	Y	Y	SP	Y
Accessory Apartment	Y	Y	Y	Y	N	Y
Temporary Mobile Home (see Section 8-4)	Y	Y	Y	Y	Y	Y
Mobile Home	N	N	Y	N	N	N
Mobile Home Parks	N	N	N	N	N	N
Bed and Breakfast, up to 4 rooms	Y	SP	Y	Y	N	SP
Multi-Family Dwelling	SP	SP	SP	SP	N	SP
Conversion of a Single Family Home to a Two-Family	Y	Y	Y	Y	SP	Y
Conversion of a Single Family Home to a Multi-Family Dwelling	SP	SP	SP	SP	SP	SP
Conversion of an Historic (50 years or older) Industrial or Commercial Structure for Residential Use	SP	SP	N	SP	SP	SP
Apartments on the Upper Floors of New Commercial Structures	Y	SP	N	Y	N	SP
<u>Village Open Space Residential Development (see Section 6-3)</u>	<u>SPR</u>	<u>SPR</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SPR</u>

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PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

[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. Site Plan approval in accordance with Section XII Site Plan Review, is required 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. Such approval may issue upon a finding 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

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PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

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. The minimum land area requirement for a Village Open Space Residential Development is 20,000 square feet. 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 of the open space 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 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

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PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

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

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PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

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

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PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

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 Select Board; 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 be covered. Front porches are encouraged.

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PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

2. Homes should be oriented to maximize solar access to the extent feasible.
3. New buildings should be consistent with nearby building scale, heights and rooflines.
4. Parking should be provided to the side or rear of the building. Also see Section VII 8-5 Parking Regulations.
5. Garages for automobiles should have a front setback at least ten (10) feet greater than the principal building's front setback.
6. 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.P
 - 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.

ATTACHMENT A

PROPOSED ZONING CHANGE VILLAGE OPEN SPACE RESIDENTIAL DEVELOPMENT

- 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 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.