

## OPEN SPACE ORDINANCE

The Open Space Ordinance encourages environmentally minded and low impact development, focusing specifically on the reduction of impervious cover and overall pollutant levels in municipal stormwater systems. Open Space bylaws are concentrated in Zoning, Wetland Regulations and Subdivision Regulations and emphasize design criteria, requirements, and management guidelines that follow open space development techniques.

### 1. Design Criteria

#### Setbacks

Frontage distance, rear, front and side yard setbacks may be reduced to 50% of the requirements in the base zoning, but frontage distance shall be no less than 10 ft, front and rear yard setbacks shall be no less than 10 ft, sideyard setbacks shall be a minimum of 5 ft.

#### Lot Size

Lot size may be reduced to 25% of base density but no smaller than 1/8 of an acre.

#### Total Number of Units

The total number of residential units allowable within an open space development shall not exceed the number of units that would otherwise be allowed in the existing zoning district using conventional development.

#### Utility Requirements

Irregular lot shapes and shared driveways are permitted in open space design. Shared septic systems may be permitted provided that the requirements of the Health Department are met, including appropriate provisions for legal obligations related to maintenance and replacement.

### 2. Open Space Requirements

The total area of dedicated open space shall equal the amount by which all dwelling unit lots are reduced below the base zoning. The following areas shall be high priorities for inclusion in designated open space: resource buffers, high quality forest resources, individual trees, critical habitat areas, and high quality soil resources. At least 75% of designated open space shall be contiguous. At least 50% of designated open space shall be designated as “green space”. If used for active recreation, impervious cover shall not exceed 5% this area.

### 3. Open Space Management

#### Ownership

The deed to each lot shall include a proportionate share of the common open space. Each lot owner shall be required to be a member of a homeowner’s association, which shall be formed prior to conveyance of the first lot. The assessment of dues or fees for structural improvements requires the affirmative vote of no less than two-thirds of the homeowners association membership.

#### Conservation Easement

If owned by a separate entity, a conservation easement shall be established for the area. A conservation easement may be transferred to an established, designated land trust organization, among whose purposes it is to conserve open space and/or natural resources. The conservation easement shall protect open space from future development and environmental damage by restricting the area from future building and removal of soil, trees and other natural features; provide residents access to the open space at all times; dictate whether open space is for the benefit of residents only, or may be open to the residents of the municipality.

#### Designation of Management Entity

An open space management entity shall assure that the open space will be protected in perpetuity from all forms of development that it will never be changed to another use.