

OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) ZONING ORDINANCE

Approved by Gloucester City Council August 20, 2002

5.15 OPEN SPACE RESIDENTIAL DEVELOPMENT

5.15.1. PURPOSE & INTENT

5.15.1.1 Primary purposes for Open Space Residential Development, hereafter OSRD, are:

- (a) To advance and be consistent with the goals, objectives and strategies of The Community Development Plan for the City of Gloucester, 2001: A Comprehensive Plan, August 2001.
- (b) To encourage permanent preservation of open space, agricultural land, forest, forestry land, wildlife habitat, other natural resources including aquifers and watershed, water bodies and wetlands, and historical and archeological resources.
- (c) To encourage a more efficient form of development that is less sprawling, consumes less open land, and conforms to existing topography and natural features better than a grid subdivision.
- (d) To minimize the total amount of disturbance on a site and to preserve the natural topography of a site.
- (e) To allow greater flexibility and creativity in design of residential developments.
- (f) To facilitate the construction and maintenance of housing, ways, utilities and services in a more economical and efficient manner.

5.15.2. ELIGIBILITY.

5.15.2.1 OSRD is permitted in the following zoning districts: R-1; R-RA; R-RB; R-2; R-2A; R-3; R-4; CCD, NB and VB.

5.15.3. DESIGN OVERVIEW

5.15.3.1 The Four Step Design Process:

- (a) Identify and delineate the following:
 - 1. Primary Conservation Areas which include wetlands, riverfront areas, and floodplains; and Secondary Conservation Areas which are unregulated features of the natural landscape, such as: steep slopes, mature woodlands, prime farmland, meadows,

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additional wildlife habitats and cultural features such as historic and archeological sites, and scenic views; and

2. Potentially Developable Areas which is all other land outside identified Primary and Secondary Conservation Areas.

- (b) Locate house sites, providing the approximate sites of individual houses within the Potentially Developable Area along with delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the city's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
- (c) Align Streets and Trails. Align streets in order to access the house lots. Trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks and trails.
- (d) Draw in the lot lines.

5.15.3.2 Generic Design Standards.

- (a) OSRD shall promote permanent preservation of open space, agricultural land, forestry and, natural resources, historical and archeological resources better than a grid subdivision.
- (b) OSRD shall consume less open land than a grid subdivision.
- (c) OSRD shall conform to existing topography and natural features of the land.
- (d) OSRD shall have less total amount of disturbance on the site than a grid subdivision.
- (e) OSRD shall facilitate the layout, construction and maintenance of ways, utilities, and public services in a more economical, safe and efficient manner than a grid subdivision.
- (f) The landscape shall be preserved in its natural state. Tree and soil removal shall be minimized. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Individual building sites shall be oriented to maintain natural topography, soils and vegetation.
- (g) Ways 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.
- (h) Proposed buildings and associated development shall be compatible with surroundings, terrain, other existing uses, scale, and architecture of nearby buildings and possess a functional and visual relationship to the nearby environment.

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- (i) All open space that is not set aside for wildlife habitat and resource protection 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.
- (j) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable.
- (k) The proposal should protect the adjoining premises and general neighborhood from any detrimental impact resulting from the use of the subject property, including but not limited to the production of a nuisance by virtue of noise, odor, unsightliness, or vibration.

5.15.3.3 Detailed Design Standards are further defined in the OSRD Rules and Regulations.

5.15.3.4 In approving an OSRD Site Plan, Planning Board, hereinafter referred to as the Board, may impose conditions to ensure that a site plan complies with OSRD detailed design standards.

5.15.4. OPEN SPACE REQUIREMENTS

5.15.4.1 Open Space. A minimum of fifty percent (50%) of the site shall be open space with no more than twenty-five percent (25%) defined as Resource Area and at least fifteen percent (15%) of the remaining open space shall not consist of 'Buffer Zone' as defined by the City of Gloucester General Wetlands Ordinance (Article 12, Gloucester Code of Ordinances) or slope of more than twenty percent (20%).

- (a) Open space shall not include driveways, roads or ways necessary for access and egress to the site.
- (b) One third (1/3) of the twenty (20) foot site perimeter setback, as required in 5.15.5.1(c), may be used towards the required open space.
- (c) One hundred percent (100%) of the open space, shall either be:
 1. Conveyed to the City of Gloucester and accepted by it for open space use with an assignment for the perpetual care and custody of the site under the jurisdiction of the Conservation Commission; or
 2. Conveyed to the Commonwealth of Massachusetts as part of a state forest, park, or wildlife management area; or
 3. Conveyed to a nonprofit corporation, the principal purpose of which is the conservation of open space, and made subject to a conservation restriction prepared in accordance with provisions of Section 31 and 33, inclusive, of MGL Chapter 184; or
 4. Made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of MGL Chapter 184 running in favor of either the

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City or, upon the approval of the Board, a nonprofit corporation, the principal purpose of which is the conservation open space. The conservation restriction shall provide that such land shall be kept, in perpetuity, in an open or natural state, in accordance with the above noted sections of MGL Chapter 184.

- (d) Open space shall be a large contiguous parcel.
- (e) Open space shall be used for conservation purposes, including wildlife habitat, watershed protection, historic preservation, education, outdoor education, passive recreation, park purposes, agriculture and horticulture/ forestry.
- (f) Provided that the Board finds that such uses will not be detrimental to the character, quality or use of the open space, wastewater and stormwater management systems, and underground utilities serving the site may be located within open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum required open space.

5.15.5. DIMENSIONAL REQUIREMENTS

5.15.5.1. Applicants for OSRD development are encouraged to modify lot size, shape and other dimensional requirements for lots within an OSRD development. Section 3.2 of the City of Gloucester Zoning Ordinance setting forth the minimum lot requirements shall not apply to lots within OSRD. The minimum requirements for such lots are:

- (a) Minimum lot area shall be five thousand (5,000) square feet.
- (b) Minimum frontage shall be twenty (20) feet.
- (c) A site perimeter setback of at least twenty (20) feet shall be provided at the perimeter of the overall site subject to OSRD except that driveways necessary for access and egress to the site may be allowed within the site perimeter setback for the overall site subject to OSRD. No vegetation in this buffer shall be disturbed, destroyed or removed, except for normal maintenance. (See OPEN SPACE REQUIREMENTS).
- (d) New lots shall not have frontage on a way other than one created within an OSRD.
- (e) The minimum frontage for the overall site subject to OSRD shall be fifty (50) feet.
- (f) Maximum building height shall not exceed thirty (30) feet.
- (g) The maximum lot coverage for an individual lot shall not exceed fifty (50) percent.

5.15.6. PRE-APPLICATION

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5.15.6.1 Prior to submitting an OSRD site plan, the applicant shall make a written request for an informal preapplication review by the Board at a regular meeting.

5.15.6.2 Submittals under this category of review shall be labeled 'PRE-APPLICATION'.

5.15.6.3 Pre-application Site Visit. The Board shall hold a site visit as soon as possible with the applicant and/or its agents in attendance.

5.15.7. SITE PLAN

5.15.7.1 For the purposes of this ordinance the Planning Board is the site plan review authority.

5.15.7.2 The Site Plan shall consist of a Yield Plan and a Sketch Plan:

5.15.7.3 The Yield Plan shows the maximum number of lots that can be placed on a site under a grid subdivision plan.

- (a) Sites with access to municipal sewer. The Basic Maximum Number of Allowed Lots is the sum of total area, which is all acreage within a site being considered for development, minus wetland resource area, plus twenty-five percent (25%) times resource area, with a figure of ten percent (10%) of the total area subtracted from the earlier product. That result is divided by the applicable zoning district minimum lot area as defined in the Zoning Ordinance Intensity of Use Schedule. The resulting figure is rounded down to the next whole number. Formula #1, shows this equation used to calculate Basic Maximum Number of Allowed Lots:

Formula #1: Basic Maximum Number of Allowed Lots

$$\frac{[(\text{Total Area} - \text{Resource Area}) + (\text{Resource Area} \times 0.25)] - (0.10 \times \text{Total Area})}{\text{District Minimum Lot Area}}$$

- (b) Sites served by individual or shared onsite wastewater systems governed under 310 CMR 15.00 The State Environmental Code, Title 5 and The City of Gloucester Onsite Wastewater Regulations. The Basic Maximum Number of Allowed Lots shall be derived by submittal of a yield calculation using Formula #1 accompanied by a plan that provides evidence, acceptable to the Board, confirming the number of dwelling units that could be served by onsite wastewater treatment and disposal systems and which probably could be permitted to serve a set number of dwelling units based on site soil evaluations and consideration of relevant state and local laws. The applicant shall have a burden of proof to supply soils analysis and engineering information on the plan that defines, with reasonable certainty, the number of allowable dwelling units that can be safely sited on a lot. At a minimum, standard soil and percolation testing specified in state and local regulations shall be completed for each proposed area which might be suitable for an onsite wastewater treatment and disposal system with such testing witnessed by the agents of the Board of Health. A site plan showing calculations and possible locations of suitable areas for onsite systems shall be compiled. The City of Gloucester Onsite Wastewater Regulations should be reviewed and the Board of Health consulted for additional information. Within twenty one (21) days of receiving written request from

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Planning Board, the Board of Health shall provide written input to the Planning Board regarding this determination.

- (c) Sites served by on-site shared wastewater systems governed under 314 CMR 3 (Surface Water Discharge Permit) or 314 CMR 5 (Groundwater Discharge Permit) shall take into consideration the carrying capacity of the land and receiving water(s). In no instance shall yield calculation be greater than that which could be calculated under 5.15.7.3(a) and (b). Within twenty one (21) days of receiving written request from the Planning Board, the Board of Health shall provide written input to the Planning Board regarding this determination.

5.15.7.4 The Sketch Plan shall:

- (a) Be prepared and signed by a certified Landscape Architect, or by a multidisciplinary team of which one member must be a certified Landscape Architect; and
- (b) Provide specific reference to the Yield Plan; and
- (c) Address the general features of the land, give approximate configurations of the open space, roads, lots, and include the information, as appropriate, as listed in OSRD Rules and Regulations; and
- (d) Include detailed narrative regarding the layout of open space, stormwater management, wastewater management, utilities, landscaping, and other aspects of infrastructure and building design; and
- (e) Reflect the four step design process as set forth in Section 5.15.3.1; and
- (f) Comply with the design standards set forth according to sections 5.15.3.2. and 5.15.3.3.

5.15.7.5 A Site Plan may be a fully engineered plan, conforming with the provisions of this ordinance. The Site Plan shall incorporate the features of the sketch plan and include stormwater management, wastewater management, utilities, and all other information as required within this ordinance and referenced regulations.

5.15.7.6 OSRD definitive subdivision approval shall be conditional upon approval of the Site Plan.

5.15.8 PROCEDURE FOR SUBMITTAL & APPROVAL OF SITE PLAN

5.15.8.1 A complete application shall be filed with the City Clerk and the Planning Board. Thirty (30) copies shall be filed.

5.15.8.2 Review by municipal entities. The Board of Health, Conservation Commission, Building Inspector, Fire Department, Police Department, and Engineering/DPW shall consider, review and report to the Board in writing on the application. Reports from other boards and

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officials shall be submitted to the Board within thirty-five (35) days of receipt of the City Clerk of a complete application. Failure of these reviewing parties to make recommendations after receiving the applicable materials shall be deemed a lack of opposition thereto. In the event that a public hearing by the Board is held prior to the expiration of the thirty-five (35) day period, the Board shall continue the public hearing to permit the formal submission of reports and recommendations.

5.15.8.3 Public hearing. The Board shall hold a public hearing within thirty-five (35) days of receipt of a complete application.

5.15.8.4 Board decision. The Board shall issue a written site plan decision within sixty five (65) days of the submittal of a complete site plan. In reviewing a site plan, the Board may impose conditions to ensure that the site plan complies with generic and detailed design standards, requirements of OSRD Rules and Regulations. The decision shall contain written explanation for any significant departures from the recommendations of any reviewing party. The decision shall be upon a majority of the Board and a written decision shall be endorsed by the Board Chair. The appeal of any decision of the Board shall be made in accordance with the provisions of MGL Ch. 41 81BB. A copy of the decision shall be filed with City Clerk and shall be forwarded to the applicant by registered mail.

5.15.8.5 Site plan approval shall lapse one (1) year from the date that the Board votes to endorse a site plan unless the applicant has submitted an OSRD definitive plan application, or within three (3) years unless building permits have been issued, whichever is less. Prior to the lapse of this period an applicant may make a written application requesting a time extension for the site plan, by providing a rationale for said request for a time extension. For good cause such approval may be granted by the Board by issuing a written extension following a public hearing.

5.15.9. RELATIONSHIP BETWEEN THE OSRD SITE PLAN & OSRD DEFINITIVE SUBDIVISION PLAN.

5.15.9.1 The issuance of OSRD Site Plan Approval allows the applicant to submit an OSRD Definitive Subdivision Plan to the Board for consideration under the Subdivision Control Law.

5.15.9.2 The OSRD definitive subdivision plan shall substantially comply with the OSRD Site Plan. Substantial compliance is deemed to exist providing that there is no:

- (a) Increase in the number of building lots or units;
- (b) Significant decrease in open space area;
- (c) Significant change in site layout;
- (d) Significant change in the general development pattern which adversely affects natural landscape features and open space preservation; and
- (e) Significant change to stormwater and wastewater management.

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5.15.9.3 If the Board determines that the OSRD Definitive Subdivision Plan does not substantially comply with the OSRD Site Plan, the Board may disapprove the definitive subdivision plan.

5.15.9.4 The Board may conditionally approve an OSRD Definitive Subdivision Plan that does not substantially comply with the Site Plan. The Board shall issue a written decision identifying where the plan does not substantially comply with the Site Plan and shall require that the Site Plan be amended to be in compliance. The Board shall also require that the applicant file an application to amend the Site Plan within a specified time period. The public hearing on the application to amend the Site Plan shall be limited to the significant changes identified by the Board in their conditional approval of the OSRD Definitive Subdivision Plan. These are the only considerations that the Board may take into account in deciding whether to amend the Site Plan.

5.15.9.5 Submittals and permits provided for in this section shall be in addition to any other requirements of the Subdivision Control Law, Rules and Regulations Governing the Subdivision of Land, or any provisions of the City of Gloucester Zoning Ordinance.

5.15.10 RULES & REGULATIONS

5.15.10.1 Planning Board will promulgate rules and regulations to further the intentions of this ordinance.

End of Ordinance 5.15.