

1

Agenda

1. Introduction
2. Existing zoning and bylaws
3. Open Space and Residential Design (OSRD) Zoning
 - Discussion
4. Tree Protection Bylaw
 - Discussion
5. Next steps

2

Project Goal



3

Project Timeline

1 Background research

Today!

2 Concepts & sketch plans

MAPC will develop sketch plans under conventional subdivision and two different Open Space & Residential Design options

3 Public meeting

MAPC will present background and potential options for community feedback

4 Draft zoning & bylaw

Work with Town to draft zoning and bylaw and present to Planning Board for feedback

5 Finalize

MAPC and Town will update the zoning and bylaw, present language to the Planning Board.

6 Public hearing & Town Meeting

Town staff and Planning Board will host a public hearing and present Tree Protection Bylaw at Spring Town Meeting.

Likely wait to host hearing and present the Open Space & Residential Design Zoning at the Fall Town Meeting.



4

Existing: Subdivision Regulations



5

Existing: Scenic Roads



6

Existing: Green Belt Residential

Permit: Special permit

Open space: 20%

Uses: residential

Natural resources: Site design "compatible with the Master Plan of the Town adopted in 1954"

Location: Anywhere but tract must be >25 acres

Allowed dwelling units: Same as underlying zoning

Minimum parcel size: 26,700 sq ft and 40,000 sq ft depending on district

Dimensional standards:

- 30 ft frontage, 4 contiguous lots must have >300 ft frontage
- Same front and rear yard as underlying zoning
- 20 ft side yard

Density bonus: None

Housing typologies: Single family detached

Incentives: None

7

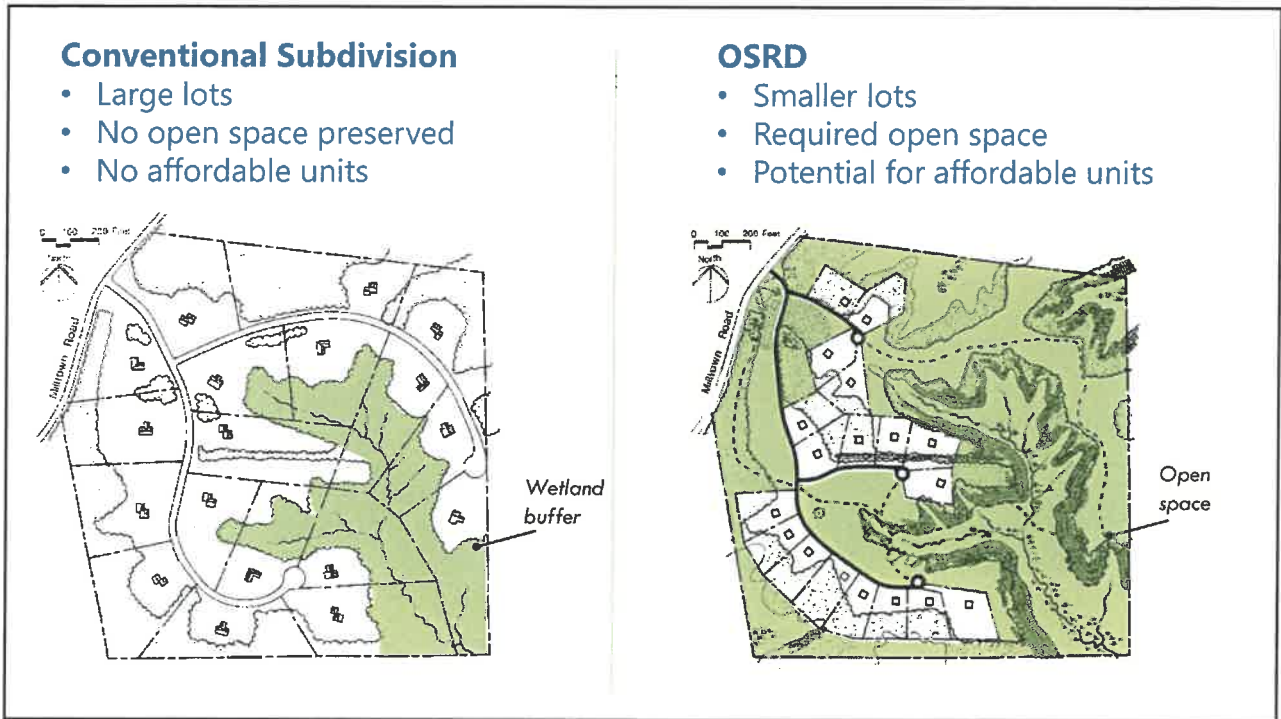


What is Open Space & Residential Design (OSRD)?

A tool to protect natural resources and open space. Used to regulate new subdivisions of land in a manner that maximizes the protection of natural resources while allowing for profitable development. Includes elements of conservation subdivision regulations and cluster development bylaws.



8



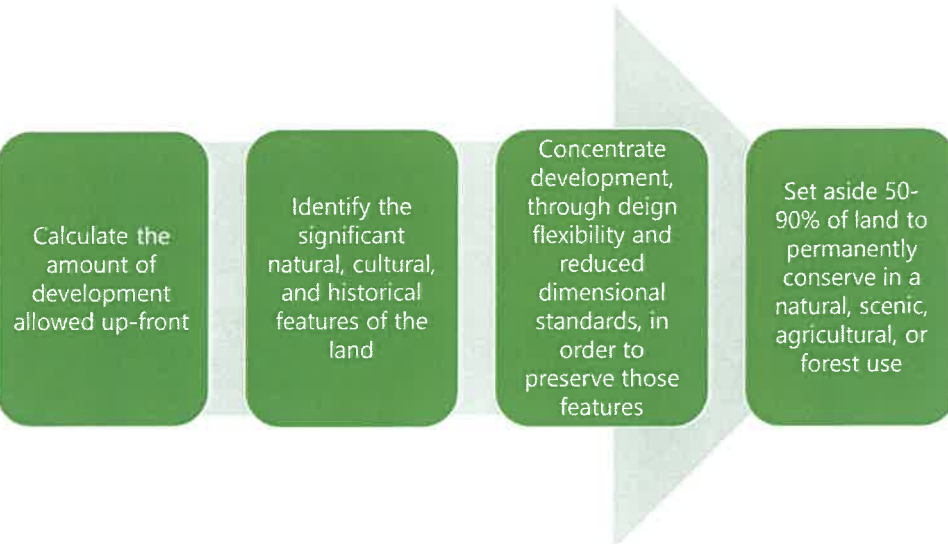
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OSRD: MA Energy & Environmental Affairs Model Bylaw

- Addresses flaws in many existing cluster bylaws
- Reduces environmental and fiscal costs
 - 🌳 Increases acres protected for agriculture, habitat, carbon sequestration
 - 🏠 Reduces costs to construct/maintain roads and infrastructure
 - 🍃 Reduces impervious surface and runoff
 - 💧 Reduces water consumption
 - 🚶 Reduces greenhouse gas emissions

10

OSRD: MA Energy & Environmental Affairs Model Bylaw



11

OSRD: EEA Best Practices

Permit: By right

Open space: 60%

Uses: residential and/or non-residential

Natural resources: Contiguous, prioritized in other plans

Location: All or by district. Can apply to non-contiguous parcels under same ownership.

Allowed dwelling units: By formula or preliminary plan

Minimum parcel size: None

Dimensional standards: None, except minimum property-line setback

Density bonus: Public access, historic, affordable, open space

Housing typologies: Single, two-family, townhomes

12

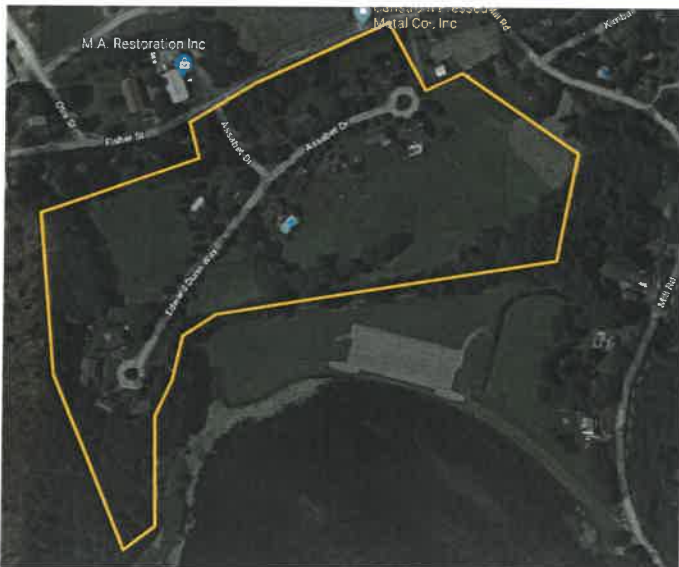
OSRD: EEA Challenges

Wastewater disposal

- Standard Title V approach
 - One 4-bedroom home per one acre
- Alternatives:
 - Nitrogen loading aggregation plan
 - Package treatment plant

13

OSRD: Assabet Estates, Westborough



14

OSRD: Assabet Estates, Westborough



15



What is a Cottage Cluster?

A tool to provide low-cost single-family housing options with community-oriented design. They can include elements of conservation subdivision regulations and cluster development bylaws.



16

OSRD

- Often individual lots
- Often same density as underlying residential district
- Goal: Preserve open space
- Homes typically similar to what is built under residential district
- May or may not include affordable units



Cottage Cluster

- Often condo
- Often includes density bonus option
- Goal: Diversify housing options, sometimes preserve open space
- Smaller homes
- May or may not include affordable units



17

OSRD & Cottage Cluster: Riverwalk in Concord



18

OSRD & Cottage Cluster: Town of Hanover



Preserve open space



Increase affordability

“Naturally occurring”

Market rate homes affordable due to smaller size, increased supply, etc.

Deed restricted

Homes for households making up to 80% of area median income

19

OSRD & Cottage Cluster: Town of Hanover

The proposed Hanover bylaw contains the following elements to achieve its goals:

1. Starts with preserving open space
Alternative to traditional subdivision
2. Adds incentive for affordable housing
Additional lots as part of Special Permit
3. Adds second incentive for housing diversity
Duplexes (townhomes) as part of Special Permit

20

OSRD & Cottage Cluster: Town of Hanover

Conventional:

- 30,000 sf lot size
- 50 ft front, 40 ft rear, 20 ft side setbacks

Proposed bylaw:

- 50% open space with >50% upland
- 10,000 sf lot size
- 25 ft front, 20 ft rear, 10 ft side setbacks
- Maximum average home size of 1,200 sf

Density bonus by special permit:

- 1 additional market rate unit per 1 affordable unit, up to 50% increase
- 7,500 sf lot size
- Shared parking allowed
- Maximum housing unit size

Additional density bonus by special permit:

- 2 units per lot, up to 30% increase (in addition to the 50%)

21

OSRD & Cottage Cluster: Town of Hanover

Conventional: 15 acres, 10 units, 0 open space, 0 deed-restricted

- 30,000 sf lot size
- 50 ft front, 40 ft rear, 20 ft side setbacks

Proposed bylaw: 15 acres, 11 units, 50% open space, 0 deed-restricted

- 50% open space with >50% upland
- 10,000 sf lot size
- 25 ft front, 20 ft rear, 10 ft side setbacks
- Maximum average home size of 1,200 sf

Density bonus by special permit: 15 acres, 15 units, 87% open space, 2 deed-restricted

- 1 additional market rate unit per 1 affordable unit, up to 50% increase
- 7,500 sf lot size
- Shared parking allowed
- Maximum housing unit size

Additional density bonus by special permit: 15 acres, 19 units, 87% open space, 4 deed-restricted

- 2 units per lot, up to 30% increase (in addition to the 50%)

22

Discussion Questions: Open Space and Residential Design

- Initial responses
- Process
 - By right
 - Early Special Permit
- Priorities and standards
 - Percent open space
 - Housing mix and lot size
 - Cottage cluster design
 - Density bonus
- Two scenarios for sketch plans

23



What is a Tree Protection Bylaw?

Preserve trees on private and/or public land during major development projects



24

Concord Tree Preservation Bylaw	
Regulated area	Front, side, rear yard setbacks in residential districts
Applicability	Demolition of >250 sq ft structure; any construction on vacant land; additions increasing floor area by >50%
"Protected tree"	>6 inches diameter DBH
"Tree removal"	Full removal; act that caused a tree to die within 1 year; act likely to cause significant decline as determined by Reviewing Agent
Decisionmaker	Town Manager delegates a Reviewing Agent
Process	Submit a Tree Protection & Mitigation Plan to Reviewing Agent prior to issuance of permit that delineates "Tree Save Area", setback areas, proposed construction, and any tree removals and mitigation. If Plan is inadequate, Reviewing Agent notifies applicant & Town Department to withhold permit.
Protection	- Fence off a "Tree Save Area" during demolition/construction. Submit documentation by Arborist confirming Tree Save Area is fenced. - If a Protected Tree dies within 2 years, must be mitigated
Mitigation	Replant >0.5 inch caliber for every 1 inch of Protected Tree removed. Each tree >2 inches caliber. Tree must be healthy for 2 years OR Contribute to Concord Tree Fund
Exemptions	Doesn't apply to subdivisions & public shade trees

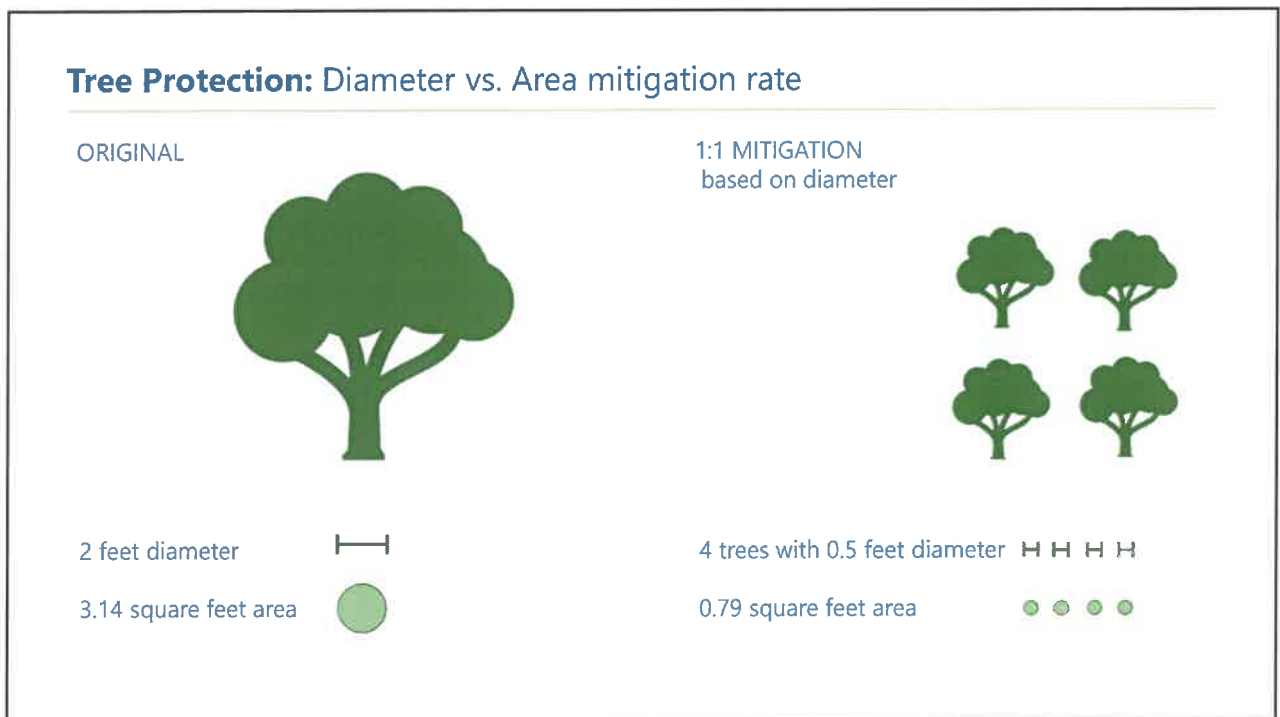
25

Wellesley Tree Preservation Bylaw	
Regulated area	20-40 ft front, 10-40 ft side and rear yards depending on residential zone
Applicability	Demolition of >250 sq ft structure; any construction on vacant land, including retaining walls; additions increasing floor area by >50%
"Protected tree"	>10 inches DBH
"Tree removal"	Any act that causes tree to die within 3 years, including acts committed 1 year prior to permit application
Decisionmaker	Building Department reviews Tree Protection & Mitigation Plans
Process	Submit a Tree Protection & Mitigation Plan to Building Department prior to issuance of permit that delineates "Tree Save Area" and how the area will be protected with additional measures if entire root zone is not protected with fencing, setback areas, proposed construction, and any tree removals and mitigation, including within past 1 year. If Plan is inadequate, Building Department notifies applicant & withholds permit.
Protection	- Fence off a "Tree Save Area" during demolition/construction. Submit documentation by Arborist confirming Tree Save Area is fenced. - If a Protected Tree dies within 2 years, must be mitigated
Mitigation	Replant >0.5 inch caliber for every 1 inch of Protected Tree removed. Each tree >2 inches caliber. Must replace an Overstory Tree species with an Overstory Tree species. Tree must be healthy for 2 years OR Contribute to Wellesley Tree Fund based on Select Board fee schedule
Exemptions	Doesn't apply to subdivisions, public shade trees, construction subject to Large House Review

26

Lexington Tree Preservation Bylaw	
Regulated area	- Whichever setback area is larger: 30 ft front yard, 15 ft side yards, 15 ft rear yards or required yards under zoning - Public right of way
Applicability	Demolition; any construction on vacant lot; additions increasing floor area by >50%; cutting of public shade trees or trees on Town-owned property
"Protected tree"	>6 inches DBH Any tree within public right of way
"Tree removal"	Any act that causes tree to die within 3 years
Decisionmaker	- Tree Warden manages trees in public right of way, expends funds, grants or denies permits, enforces bylaw - 7 member Tree Committee drafts regulations & manual, permits upon appeals, educates public
Process	- Submit certified site plan to the Building Commissioner showing all existing trees >6 inches. When tree removal/damage is planned or has occurred within past 12 months, submit proposal for mitigation. Tree Warden conducts site visit and reviews consistency with regulations. Fee of \$5 per inch of diameter at breast height for every tree to be removed. - Submit application for permit from Tree Warden to cut/remove public shade tree
Protection	- Tree left on site must be protected according to "Tree Management Manual." If not, Town may impose fines or fees and may require replacement planting.
Mitigation	Replant 1 inch caliber for every 1 inch of Protected Tree removed. If planting a "Recommended Large Shade Tree," 0.5 inches for every 1 inch. Each tree >3 inches caliber. Tree must be healthy for 2 years OR Contribute to Lexington Tree Fund \$100 per replacement inch

27



28

Discussion Questions

Tree Protection Bylaw

1. What should trigger enforcement?
2. What is the required replacement rate?
3. Who is the Town reviewer?
4. Enforcement: existing fines?

29



30

