

Proposed Amendments Chapter 250 Subdivision of Land

§ 250-6 Conservation subdivision standards.

D. High-value conservation areas:

(7) Prime agricultural lands of at least five contiguous acres, whether or not in common ownership, must be included.

§ 250-8 Prohibited uses of common open space.

The following are prohibited in the common open space:

A. Roads, parking lots and impervious surfaces, except as specifically authorized in this chapter;

B. Subsurface wastewater disposal systems and wells;

C. Dumping or disposal of any type of yard waste, household waste, hazardous waste or other debris, organic or inorganic;

D. Cutting vegetation, except for an annual mowing to prevent undesirable shrub brush from overtaking protected fields, without an approved management plan, unless approved by the Lands and Conservation Commission's Forestry and Natural Resources subcommittee, except that the removal of invasive vegetation shall be allowed;

E. Cutting or removing live trees, standing dead trees or down and dead wood without an approved management plan that is consistent with the Forest Management Standard V1.1 (with Family Forest Indicators) of the Forest Stewardship Council-US dated March 15, 2019, as amended, which plan must be approved by the Lands and Conservation Commission's Forestry and Natural Resources subcommittee;

E.F. Active recreation;

F.G. Altering approved common open space;

G.H. Additional structures being placed on the common open space without prior Planning Board approval; and

H.I. Other activities as determined by the applicant and recorded on an instrument providing for permanent protection such as deed restrictions.

§ 250-9. Ownership, management, legal protection, and maintenance of common open space in a conservation subdivision.

A. Ownership, management and maintenance of common open space:

1) Ownership of common open space. The applicant must identify who will be the owner of the common open space and who will be responsible for maintaining the common open space and facilities located thereon if that will be someone other than the owner of the common open space. If a homeowners association will be the owner, membership in the association must be mandatory and will be required by deed covenants for all homeowners in the subdivision and their

successors. If a homeowners association is the owner, it must have lien authority to ensure the collection of assessments from all members. The cost and responsibility for maintaining the common open space and any facilities located thereon shall be borne by the owner. As an alternative, the common open space may be gifted to the Town.

B. Legal instrument for protection. The common open space must be protected by a binding legal instrument that is recorded with the deed. The instrument must be one of the following:

1) A permanent conservation easement held by one of the following:

a) A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The nonprofit organization must be in good legal standing and the conveyance instruments must contain all appropriate provision for retransfer in the event the organization becomes unable or chooses to not carry out its functions; or

b) A-The Town or other governmental entity with the authority to pursue goals compatible with the purposes of this chapter. If the entity accepting the easement is not the Town, then a third-party right of enforcement granted to the Town may be included in the easement.

§ 250-13. General subdivision procedures.

A. Preapplication meeting with Town Planner and Code Enforcement Officer. Prior to submission of a subdivision application, applicants shall arrange a preapplication conference with the Town Planner and Code Enforcement Officer. A proposed plan shall be provided by the applicant which shows the original parcel to be subdivided and the number of lots and road design proposed for the subdivision. At the conclusion of this meeting, the Code Enforcement Officer shall classify the proposed project as either a minor or major subdivision.

B. Subdivision options in the residential zoning districts.

1) If the proposed subdivision will be located in the Rural Residential 1 (RR1) or Rural Residential 2 (RR2) Zoning District, the applicant ~~may~~must propose ~~either a conservation subdivision~~ plan or and may propose a traditional subdivision plan.

2) If the proposed subdivision is located in any zoning district other than the Rural Residential 1 (RR1) or Rural Residential 2 (RR2), the applicant may propose either a clustered or a traditional subdivision plan.

§ 250-14. Procedure for subdivisions in the RR1 or RR2 Zoning Districts.

A. The conservation subdivision ~~is~~will be, subject to the findings specified in 250-14.D, the ~~preferred~~ option and a proposed conservation subdivision plan must be submitted by the applicant. The applicant may propose, as an alternative, a traditional subdivision in which case a proposed traditional subdivision plan may also be submitted.

B. Preapplication workshop with Planning Board. Following the preapplication conference with the Town Planner and the Code Enforcement Officer, the applicant shall meet with the Planning Board in a workshop setting to review the

physical attributes and natural resources of the parcel to be developed and to discuss the subdivision type that would be best suited to the physical characteristics of the parcel being developed. The Town Lands and Conservation Commission will be invited to attend the workshop.

- C. All plans shall show the natural features of the property, including topography, wetlands, watercourses and water bodies, adequate subsurface wastewater disposal system locations (if applicable), steep slopes, open fields and wooded areas. The plan shall also depict how the road(s), lots, stormwater management system, and common open space (if any) would be laid out in each option.
- D. The Planning Board shall notify abutters within 500 feet of the proposed subdivision of the meeting date, location and time of the workshop. The Planning Board will solicit public comments on the proposed plan options after which the Planning Board will make a determination on which plan should be selected for the subdivision. If the traditional subdivision alternative is selected, the Planning Board must specify how that option better promotes the purpose of this ordinance as specified in 250-1, Article 1.

Ch. 250 – Appendix D (Major Traditional or Clustered Subdivision...Checklist), Section D

- D. There shall be submitted to the Board with final plan:
 - 1. Copies of declarations, agreements or other documents showing the manner in which open space or easements are to be held and maintained.
 - 2. Where conveyance of public open space or easements to the Town is contemplated, a written offer to make such conveyance to the Town and written evidence that the municipal officers are willing to accept such conveyances and are satisfied with the terms and conditions of the proposed conveyance and with the legal sufficiency of the proposed transfer documents. Such written evidence shall not constitute an acceptance by the municipality of any such public open space.

COMPLETION CHECKLIST FOR MAJOR TRADITIONAL OR CLUSTERED SUBDIVISION SUBMISSION REQUIREMENTS

Waivers: Please make a check in the *Waiver Request* column for any requested waivers. Attach a separate sheet citing the Subdivision Ordinance section number, description, and reason for the waiver request.

	Check if provid ed	Location of information in packet, e.g. plan #, page #	Waiver Reques t?

General Submissions:			
15 copies of plans and materials. All sheet sized to be 24" x 36" <u>Two paper copies of a complete</u> <u>application packet with full size</u> <u>plan sets and one electronic</u> <u>application packet</u>			