

SECTION 14: OPEN SPACE RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

14.1 Purpose and Intent

The purposes of the Open Space Residential Development (OSRD) District are:

1. To preserve and enhance community character through greater flexibility and creativity in the design of residential developments and through the encouragement of
 - a. less sprawling and more efficient form of development that consumes less open land, conforms to existing topography and natural features, and reduces overall visual impacts;
2. To minimize the total amount of disturbance on the site and encourage the permanent preservation of contiguous open space, forestry land, wildlife habitat, and other natural resources including aquifers, waterbodies and wetlands in a manner that is consistent with the Lenox Comprehensive Master Plan and Open Space Plan;
3. To facilitate the construction, maintenance and provision of housing, streets, utilities, and public services in a more economical and efficient manner.

14.2. Applicability

1. Parcels located in the R-1A District shall be eligible for consideration as an OSRD. The OSRD district is an overlay mapped over the other district. It modifies and, where there is inconsistency, it supersedes the regulations of the underlying district. Except as modified or superseded, the regulations of the underlying district applies.
2. Any proposed development within the district that is not an Approval Not Required project and involves 5 acres or more shall submit an application for consideration as an OSRD to the Planning Board as the Special Permit Granting Authority (SPGA)
3. To be eligible for consideration as an OSRD, the parcel for which an OSRD is proposed shall be in single ownership or control at the time of application and may be developed as a subdivision or a division of land pursuant to M.G.L Ch. 41, §81P, and may be permitted where intended as a condominium on land not so divided or subdivided

14.3 Permitted Uses

1. Uses or other lawful accessory buildings currently allowed in the existing underlying district.
2. Two-family dwelling units (attached and/or detached), not to exceed more than 20% of the total number of building lots, may be constructed on certain lots in an OSRD.

14.4. Special Permit Submission Requirements and Procedures:

An OSRD may be allowed by Special Permit by the Planning Board within the OSRD overlay district in compliance with this section and upon satisfactory completion of the Special Permit Process, including compliance with the Rules and Regulations Governing the Subdivision of Land, Lenox, MA. Proposals must be found to satisfy the purposes of this section as detailed in 14.1.

1. An application for a special permit for an OSRD shall be submitted to the Planning Board in: accordance with the provisions set forth in the Town of Lenox Zoning Bylaws. Applicants are encouraged to submit conceptual materials for informal review by the Planning Board prior to a formal application for a special permit.
2. Relationship between OSRD Plan and Definitive Subdivision Plan: Planning Board approval for a special permit for an OSRD under this article Shall not constitute compliance with the Subdivision Control Law (MGL c. 41, §81K to §81GG) nor oblige the Planning Board to approve any related definitive plan for subdivision. The applicant may submit a Preliminary or Definitive Subdivision Plan at the same .time as the application for a special permit, however, two separate public hearings, one for the special permit: and one for the definitive plan must be held.

14.5 Design Standards:

1. A proposed OSRD shall strive not disturb more than 50% of the total tract as well as minimize tree and soil removal; be located in such a manner as to maintain and preserve natural topography; reduce the removal or disruption of historic; traditional or significant uses, structures, or architectural elements; incorporate the use of drainage techniques that reduce impervious surface and enable infiltration where appropriate; and link open space and recreational uses to adjacent land uses where appropriate.

2. Unless otherwise provided in this section, the OSRD shall be consistent with the design standard requirements of the Rules and Regulations Governing the Subdivision of Land, Lenox, MA.

14.6 Dimensional Requirements:

1. **Density:** The maximum number of lots in the development shall not exceed that which is allowed in the underlying zone.
2. **Open Space:** A minimum of 30% of the parcel shall be restricted to open space and subject to the provisions set forth in section 14.7 of this bylaw.
3. **Lot Size:** Individual lot area within the proposed OSRD shall not be less than 30,000 square feet. The Planning Board may authorize a reduction in lot size for the inclusion of an additional 15% of permanently protected open space. In no instance shall the minimum lot- size be less than 20,000 square feet.
4. **Affordable Housing Density Bonus:** The Planning Board may authorize the increase of the maximum number of lots by up to twenty percent (20%) where the OSRD reserves greater than 1.0% of the total number of lots for affordable housing as defined by the Department of Housing and Community Development for low and moderate median income households. Those units designated as affordable shall be evenly distributed throughout the development and be consistent with the design standards of this bylaw and the Rules and Regulations Governing the Subdivision of Land, Lenox, MA. These units shall be designated on the plan and in restrictions in the deeds of each separate property.
5. **Lot frontage and setbacks:** Frontage and setbacks shall not be less than 50% of the minimum requirements of the district. Lots shall not have reduced frontage on a street other than a street created by the subdivision involved.

14.7 Open Space Requirements:

1. Open space is defined as lands that are restricted from development and shall be naturally vegetated areas, open fields, or parks. Where possible, proposed open space shall be linked to existing open spaces to form green corridors. Open space shall not be utilized for rights of way, buildings, pools, tennis courts , motorized biking or other recreational uses that require ground disturbance. Setbacks, disconnected parcels, and left over space including but not limited to areas between buildings shall

not be considered as open space. Any proposed open space, unless conveyed to the Town upon approval, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- a. No more than fifty percent (50%) of the dedicated open space shall constitute wetlands, and lands subject to seasonal flooding. The term "wetland" shall be limited to the definition of wetland as specified under MGL c. 131, Section 40, the Wetlands Protection Act, as amended.
 - b. The open space shall be used for wildlife habitat, conservation, historic preservation, outdoor education, passive recreation, park purposes, or any combination of these uses. Additional uses may be permitted upon approval of the Planning Board, provided that such uses are in harmony with the promotion and retention of open space.
 - c. The Planning Board may permit storm water management systems serving the OSRD to be located within the open space.
2. Ownership of the Open Space. The open space shall be conveyed to:
- a. The Town or its Conservation Commission; or,
 - b. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or,
 - c. A corporation or trust owned jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Documents creating such trust corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded:
 - i. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance; and shall grant the Town an easement for this purpose. In such event, the Town

shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it, at the expense of the trust or corporation.