

9.10 Village Center Compact Residential Development

9.10.1 **Purpose.** The purposes of this Village Center Compact Residential Development Bylaw are to:

1. Encourage a more compact development alternative in those parts of Ashby that are most suitable for such developments;
2. Provide for the public interest by the preservation of open space and natural landscape features in perpetuity;
3. Facilitate the goals of the Ashby Community Development Plan and the Open Space and Recreation Plan;
4. Minimize the amount of disturbance on tracts of land undergoing development;
5. Encourage innovative land-use and design techniques such as low-impact development (LID), green infrastructure, greenway and open space connections, vernacular architecture and contextual response;
6. Encourage a town village style of development, in which dwelling units are clustered around a common area designed for the enjoyment of residents while still adhering to the overall density required in the underlying zoning districts.
7. To provide for a mixture and diversity of housing types

9.10.2 Establishment

The Village Center Compact Residential Development Overlay District is hereby established and consists of those areas so designated and shown on the map designated as " Village Center Compact Residential Development Overlay District" on file with the Town Clerk and dated May 6, 2017.

9.10.3 Definitions

Affordable Dwelling Unit: A dwelling unit that is eligible to be included on the Commonwealth of Massachusetts' Department of Housing and Community Development's Subsidized Housing Inventory of low and moderate income housing units.

Condominium: A development in which there is separate and distinct ownership of individual dwelling units and joint ownership of common areas such as driveways, parking areas, wells and waste disposal.

Exclusive Use Area (EUA): In cases of condominium style of ownership the area under the control of each unit owner.

Homeowners Association: shall mean the corporation, trust, or association formed to benefit the unit owners and used by them to manage and regulate their affairs, including any commonly-owned land or facilities.

Low-Impact Development (LID) and Green Infrastructure: LID refers to decentralized, vegetative approaches to handling and treating stormwater runoff prior to its discharge. Examples include rain gardens, bioretention, grassed swales, etc. Green Infrastructure includes LID approaches but also covers such things as solar power and innovative approaches to wastewater management.

Open Space: Any land within a Village Center Development that is permanently protected from development and left in its natural state or used for agriculture.

Village Center Compact Residential Development: A residential development in which homes are clustered in groups around a common area and which adheres to certain design standards which seek to replicate a New England village as a series of dwellings and other buildings of traditional, vernacular architecture around a central green space.

9.10.4 **Procedures.** Village Center Compact Residential Developments must obtain a Special Permit from the Planning Board, in accordance with Section 12.3 of the Ashby Zoning Bylaws, as well as obtain Site Plan and/or Subdivision approval as the case may be, as described in the Ashby Zoning Bylaws, the Ashby Site Plan Regulations and/or the Ashby Subdivision Regulations.

9.10.5 Applicability and Development Standards

9.10.5.1 Where the standards and provisions of this section differ from the standards found elsewhere in the Ashby Zoning Bylaw, the provisions and standards of this section shall control.

9.10.5.2 Village Center Compact Residential Development is permitted only in the overlay district as shown on the map entitled: “Ashby Village Center Compact Residential Development Overlay District Zoning Map.”

9.10.5.3 Village Center Compact Residential Development is permitted upon a single tract, in one ownership, with definite boundaries ascertainable from a recorded deed or recorded plan, which has an area of not less than eight (8) times the minimum lot area of the zoning district within which it is situated and at least the minimum frontage required for a lot in the district. The tract may be divided into lots and/or exclusive use areas to provide for siting for dwellings, common area and open space.

9.10.5.4 Tracts located in two underlying districts, and lots created by the division of such tract, shall be governed by the dimensional requirements of the district in which the frontage is located.

9.10.5.5 Each building lot or exclusive use area in the Village Center Compact Residential District shall have adequate and legally enforceable rights of access to a public street, or a private way that has been approved and constructed in accordance with the Board's Subdivision Rules and Regulations, which access may be provided for by a common driveway. The common driveway shall meet the following standard and have turn around area at the end of 100 feet diameter or such other size and configuration as may be approved by the Fire Chief.

One to Five Dwellings

Minimum right of way	40 feet
Gravel foundation minimum	12 inches
Surface Type	gravel
Surface width, minimum	18 feet
Maximum grade	8%
Minimum centerline radius	40 feet

More than Five Dwellings

Minimum right of way	40 feet
Gravel foundation minimum	12 inches
Surface Type bituminous concrete,	3 inches
Surface width, minimum	20 feet
Maximum grade	8%
Minimum centerline radius	40 feet

9.10.5.6 The overall density shall be no greater than the density permitted in the underlying district, except as otherwise permitted in accordance with this bylaw. The base number of residential dwelling units in a Village Center Compact Residential Development is calculated using the following formula based on the net square footage of the property. This formula takes into account site-specific development limitations that make some land less suitable for development than other land. This calculation involves two steps: 1. calculating the net square footage, and 2. dividing by the allowed density permitted in the underlying district.

Net Square Footage Calculation. The factors named below are included for net square footage calculation purposes only. To determine net square footage, subtract the following from the total (gross) square footage of the site:

- A) Half (50%) of the square footage of land with slopes of 20% or greater; (2,000 square feet or more of contiguous sloped area at least 10 (ten) feet in width); and
- B) The entire (100%) area of wetlands, riverfront areas, and floodplains regulated by state or federal law, and land subject to easements or restrictions prohibiting development, and Zone I and Zone A around public water supplies; and
- C) Ten (10%) percent of the remaining site area after the areas of A and B above are removed, to account for subdivision roads and infrastructure.
- D) Divide the resulting area calculation (in sq. ft.) by the residential lot size in the underlying zoning district to obtain the number of units. Partial numbers are rounded up or down with numbers with a decimal below point five (.5) being rounded down to the nearest whole number; and numbers with a decimal point equal to or greater than point five (.5) being rounded up to the nearest whole number.

9.10.6 **Dimensional and Use Requirements.** In order to achieve the compact style of development that is the hallmark of Village Center Compact Residential Development, dimensional standards are reduced from those of the underlying zoning district. However, the overall density of development cannot exceed that which is allowed in the underlying zoning district.

9.10.6.1 Dimensional Standards:

Minimum Lot Size (or Exclusive Use Area):	2,000 square feet
Minimum Frontage:	No minimum frontage
Minimum Lot Width at building line:	No minimum lot width
Minimum Side Yard Setback:	Minimum side yard ten (10) feet
Maximum Dwelling Unit Size:	1,500 square feet

9.10.6.2 Uses allowed in a Village Center Compact Residential Development include all the uses allowed in the underlying zoning district provided at least one half of the total square footage of the buildings in the development are devoted to residential use

9.10.6.3 Primary Conservation Areas, such as wetlands, riverfront areas, and floodplains regulated by state or federal law, are to be identified and delineated. Development is prohibited within Primary Conservation Areas unless permitted by the Planning Board and otherwise as required by law. Secondary Conservation Areas, including unprotected elements of the natural landscape such as steep slopes, upland buffers to wetlands, streams, and vernal pools, mature woodlands, prime farmland, meadows, wildlife habitats including corridors for wildlife movement, and cultural features such as historic and archaeological sites and scenic views, shall also be identified and delineated. Community Development Plan and Open Space and Recreation Plan conservation goals are to be considered when delineating such conservation areas. Land outside identified Primary and Secondary Conservation Areas is the Potentially Developable Area.

Conservation Areas and Potentially Developable Areas shall be delineated such that open space is contiguous to the extent feasible. Open space will still be considered contiguous if it is separated by a roadway with undeveloped frontage. The Planning Board may waive the contiguity requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified Primary and Secondary Conservation Areas.

The Planning Board, in consultation with the Conservation Commission, shall study the delineation of conservation areas, may conduct field visits, and shall formally determine which land should be preserved as conservation areas and where development may be located. As part of its decision the Planning Board shall make written findings supporting this determination (the “conservation findings”). Once the Potentially Developable Area has been determined applicants shall lay out the components of the development within that area including rights of way, streets, any shared driveways approved via special permit, trails, sidewalks, and other infrastructure. Lot lines or areas of exclusive use shall be delineated as applicable..

9.10.7 Open Space Requirements

9.10.7.1 A Village Center Compact Residential Development must provide at least fifty percent (50%) of the total tract area as permanently protected open space. The Ashby Open Space and Recreation Plan considers open fields, existing trails, and agricultural land to be the most valuable type of open space to preserve when the parent parcel consists of several landscape types. Efforts should be made to achieve connectivity to existing trails and protected space to the extent possible. The open space shall have no structures or parking within it, unless such structures are part of an ongoing or proposed agricultural or forestry operation that is acceptable to the Planning Board.

9.10.7.2 Common open space in any approved Village Center Development shall be conveyed to one or more of the following:

1. a Land Trust or any other non-profit corporation approved by the Planning Board, the principal purpose of which is land preservation;
2. a Homeowners Association, as defined herein; or
3. the Town;

provided that such land is expressly accepted by the grantee for conservation and/or recreational use. The Planning Board may in addition require that such open space be made subject to covenants enforceable by any governmental body or by a charitable corporation or trust whose purposes include conservation of land or water areas to keep the dedicated common space open or in a natural state as approved by the Planning Board. All common open space shall be dedicated and recorded with covenants, as applicable, at, or prior to, the time the permit holder receives a Building Permit.

9.10.7.3 **Uses of the Required Open Space:** Shared or community water wells may be located in open space areas if

needed to safely and adequately serve the residents of the Village Center Development. Areas cleared for installation of wells and stormwater management facilities, shall not, however, count towards the minimum required amount of permanently protected open space. The following additional standards apply to the minimum required common open space in a Village Center Development:

- a. Other than any area(s) devoted to wells, open space shall be maintained in a natural condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation, recreation, or agricultural area and serve as a visual and natural amenity for the development and the Town.
- b. At least 50% of the required open space shall be contiguous and linked as a unit, with links no less than fifty (50) feet wide. Open space that is contiguous to permanently protected lands outside the boundaries of the Village Center Development, such as town or state conservation lands, shall also be considered contiguous for the purpose of this bylaw.
- c. The location of the common open space shall be subject to approval by the Planning Board.
- d. The percentage of marginal or unbuildable areas that can count towards the minimum required amount of permanently protected open space shall be directly proportional (1:1) to the amount of such land in the parent parcel. For example, if 50% of the parent parcel consists of marginal lands, then 50% of the minimum required amount of permanently protected open space can be marginal lands. Marginal or unbuildable lands consist of areas covered by wetlands and a fifty (50) foot buffer therefrom, rivers and a one-hundred (100) foot buffer therefrom, floodplains, and slopes greater than 25%.
- e. Existing rights of way and utility easements may not be counted towards the required percentage of minimum open space, unless the rights of way or easements are dedicated as trails.
- f. Though the open space will be primarily protected for its natural, cultural, and/or scenic resources, a small area, totaling no more than 10% of the required open space, can be set aside as a playground or other area for “active” recreation by the development’s residents and/or the town. The location and size of such active recreational area(s) shall be approved by the Planning Board prior to final action on the plan. Active recreational areas must be built and completed prior to the issuance of any certificates of occupancy for housing units in the Village Center Development.
- g. Section 4.2.6 of the Ashby Zoning Bylaw, which addresses minimum non-wetland area, shall not apply to lots in an approved Village Center Compact Residential Development.

9.10.8 Diversity of Dwelling Units

9.10.8.1 A mix of housing opportunities shall be provided in Village Center Developments. Such diversity may consist of:

- a. A mix in the number of bedrooms available or the gross floor area of dwelling units;
- b. A mix in the price or rental rates of the dwelling units;
- c. If all the dwelling units proposed in the Village Center Development are market-rate units, then only the basic density (same as underlying zoning) shall be permitted;

9.10.9 **Bonus Dwelling Units.** The Planning Board may authorize an increase in the number of dwelling units up to a maximum of one (1) bonus unit for one or more affordable dwelling units provided in the development or one bonus dwelling unit for an additional ten percent (10%) or more permanently protected open space based on total tract size that is provided above the minimum of 50% required by section 10.6 above.

9.10.10 **Application Submittal Requirements.** Applications for a Village Center Compact Residential Development must meet all the applicable submittal requirements for a Special Permit and/or Site Plan Review as specified in Sections 12.3 and 12.5 of the Ashby Zoning Bylaw, respectively, and the Site Plan Regulations; as well as for a Definitive Subdivision Plan in cases of subdivision. Additional submittal requirements may be specified in Regulations for Village Center Compact Residential Development that the Planning Board may adopt to assist in the administration of this section.

9.10.11 **Regulations.** In accordance with G.L. c.40A, §9, the Ashby Planning Board may adopt regulations to assist in the administration of this section. These regulations may address plan submittal requirements and the procedure for a submission and approval of permits under this Bylaw..

9.10.12 **Planning Board Decision.** A Special Permit shall be issued under this Bylaw only if the Planning Board finds that the Village Center Compact Development is in harmony with the general purpose and intent of this Bylaw and will provide public benefit to the Town in accordance therewith beyond that obtainable by adherence to the requirements of the Zoning

Bylaw otherwise applicable in the underlying zoning district(s) in which the Village Center Compact Development is located. If a Special Permit is granted, the Planning Board shall impose as a condition of approval that copies of all recorded instruments be filed with the Planning Board prior to the issuance of any building permit. In addition, the Planning Board shall make the following findings for a special permit issued under this Bylaw:

9.10.12.1 That the natural terrain of the site and soil suitability for septic systems support the proposed Village Center Compact Development use of the property.

9.10.12.2 That the proposed Village Center Compact Development will be harmonious with the neighborhood and area in which it is situated.

9.10.12.3 That the Village Center Compact Development adequately provides for open space, dwelling unit placement, vehicular and pedestrian circulation, the location of and capacity for parking, and provisions for public safety.