

## **1500.00 OPEN SPACE DEVELOPMENT**

Open Space Development is necessary to meet the goals established in this article and in the Brookline Master Plan. Therefore, an Open Space Development plan will be required for all developments of ~~20 acres the minimum tract size~~ or greater. An Open Space Development plan will not be required when in the judgment of the Planning Board topography, wetlands, soils or other considerations prevent the proposal from accomplishing the purposes of this article, or when an Open Space Development is unnecessary to meet the purposes of this Ordinance. All conventional subdivision plan applicants shall submit evidence to the Planning Board, at a public hearing, documenting the constraints that make a conventional subdivision a preferable choice.

### **1501.00 Purpose**

- a. To promote the conservation of the natural environment, and the development of the community in harmony with the natural features of the land.
- b. To provide for an efficient use of land, streets, and utility systems.
- c. To stimulate alternative approaches to land and community development.
- d. To establish living areas within the Town that provide for a balance of community needs, such community needs as adequate recreation and open space areas, and pedestrian and vehicular safety.
- e. To maintain the rural character of Brookline.
- f. To maintain the current density of Brookline (1 unit per 88,000 square feet).
- g. To promote residential construction on the most appropriate and buildable areas of a tract of land. Zone/Location

### **1502.01 Zone/Location**

1502.01 The use of an Open Space Development is limited to the Residential-Agricultural District as shown on the Zoning Map.

### **1503.00 Permitted Uses**

1503.01 All uses allowed in the Residential-Agricultural District are allowed in an Open Space Development *except for Workforce Housing (Section 620) and Housing for Older Persons (Section 2200).*

### **1504.00 Open Space**

1504.01 All land not devoted to house lots, roads, and driveways shall be set aside as permanent open space.

1504.02 A minimum of thirty-five (35) percent of the gross tract area shall be set aside as open space for low-impact recreation, agriculture, or conservation uses, intended for the use and enjoyment of the residents of this development and/or the general public. This open space shall be permanently restricted through easement or deed. Though the open space cannot be resubdivided, accessory structures and improvements appropriate for low-

impact recreation, agriculture, or conservation uses are allowed subject to Planning Board approval

1504.03 Not more than 45 percent of the open space shall consist of open water, wetlands and slopes greater than 25 percent.

**1505.0     *Dimensional Requirements***

1505.00 Density. The maximum density of an Open Space Development shall be the same as for a conventional development in the Residential-Agricultural District. An Open Space Development shall have no more lots than can be created using conventional developments on the same land.

1505.01 Frontage. 80 feet minimum per lot.

1505.02 Setbacks. 15-foot setback from the front, rear, and side per lot, measured from the property lines.

1505.03 Site Perimeter Buffer. Each development must be situated within a permanently protected undeveloped site perimeter buffer, where no structure shall be built, identified on the site plan, not less than 50 feet wide or a value as deemed necessary by the Planning Board on all boundaries of the original parcel except for access to connecting roads, which, unless it is already wooded and satisfactory to the Planning Board, must be planted and landscaped so as to provide a visual barrier between the development and adjacent properties. The Planning Board may require additional buffer width where unique circumstances of an abutting use or property warrant. The site perimeter buffer shall not count towards the required minimum protected open space.

1505.04 Lot Size. Each building lot shall have a minimum of 44,000 square feet excluding wetlands, water bodies, and land in the 100-year floodplain. Only one dwelling unit shall be permitted per individual building lot, except as provided in Section 2000.00, Accessory Dwelling Units. A two-family structure shall require two times the minimum land area.

1505.05 Development Tract Size. An Open Space Development tract shall have a minimum of 20 acres.

**1506.00     *Open Space Ownership and Management***

1506.01 The open space shall be conveyed to a homeowners association whose membership includes all the owners of lots or units contained in the tract. Where the Planning Board feels that it is in the best interests of the Town, this land may be conveyed to the Town or shall be permanently protected in other suitable ways which would ensure the continued use of the land for intended purposes and proper maintenance of the land. A pre-conveyance open space conservation easement deed shall be recorded and shall have an easement sunset upon conveyance to the Town or homeowner association.

- 1506.02 The developer shall be responsible for the formation of the homeowners association of which the developer or owner shall be a member until a majority of the lots of record are sold.
- 1506.03 The homeowners association shall be structured so as to provide that the membership and obligation of unit purchasers in the homeowners association will be automatic upon the conveyance of title or lease of dwelling units.

1506.04 Open Space Development land which counts towards the minimum open space requirements or towards the minimum lot size cannot be put in current use.

#### **1507.00 Procedures**

15.07.01 All Open Space Developments, as is the case with conventional developments, shall go through the subdivision review process and meet the review criteria as outlined in the subdivision regulations. *In addition, the applicant shall comply with the following requirements described below for calculating the base number of dwelling units that may be constructed on the property.*

1507.02 *The number of dwelling units permitted in any Open Space Development shall be equal to or less than the number of dwelling units permitted in a conventional subdivision plan under Brookline's Zoning ordinance (e.g., meets all frontage, setback, buffer, area, and dimensional requirements, etc.), without any Planning Board waivers or Zoning Board of Adjustments variances required.*

1507.03 *A Yield Plan shall be submitted as part of the application for subdivision approval. The Yield Plan must fully comply with the requirements for a conventional subdivision, as described above, to determine the number of allowable buildings and dwelling units permitted. The Yield Plan does not include engineering details but shall provide such minimum information necessary to show the number of buildable lots, general layout of any road network and drainage areas. The Yield Plan is used to support a general discussion with the Planning Board as to maximum density and meeting the objectives of the zoning ordinance and applicable subdivision or site plan regulations.*

1507.04 *Included with the Yield Plan, the applicant shall disclose any proposed waivers and/or variances that will impact the density and design of the proposed Open Space Development if granted, so the Planning Board may make an informed determination as to whether the purpose and objectives have been met.*

#### **1508.00 Other Provisions**

1508.01 All Open Space Developments must also meet the requirements listed in other articles of this Zoning Ordinance, except those which are superseded in this article.