

## **SECTION 25. CONSERVATION SUBDIVISION DESIGN**

- 25.1 Purpose - The purpose of this Conservation Subdivision Design is to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Seekonk's traditional New England natural landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
- 25.2 Applicability - Any subdivision of five (5) or more lots, from a parcel or set of contiguous parcels held in common ownership and located within a Residence District other than an R-1 zoning district may be permitted by right upon approval by the Planning Board (Board).
- 25.3 Pre-Application Review - The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.
- 25.4 Procedures - Applicants for a Conservation Subdivision shall file with the Planning Board a Preliminary Plan and Definitive Plan, conforming to the contents specified in the Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts. In addition said plans shall include the following:
1. Proposed topography, wetlands, and the results of deep soil test pits and percolation tests at the rate of one per acre, but in no case fewer than four (4) per Conservation Subdivision.
  2. Where the potential for wetland impacts exist, the Planning Board shall require the applicant to submit to the Conservation Commission, a request for a determination of applicability or notice of intent pursuant to G.L.c. 131, 40 and 310 CMR 10.05 (3).
  3. Not more than 25% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. This calculation shall be included on all plans.
  4. Any additional information necessary to make the determinations and assessments cited herein.

5. A yield plan showing the development designed in conformance with a conventional subdivision, as outlined in the Rules and Regulations shall also be submitted.
- 25.5 Design Process - Each Development Plan shall follow a four-step design process, as described below. When the Development Plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.
- a. *Designing the open space.* First, the open space is identified. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic, and cultural resources on the property.
  - b. *Location of house sites.* Second, potential house sites are tentatively located. House sites should be located not closer than 100' to wetlands areas, but may be situated within 50' of open space areas, in order to enjoy views of the latter without negatively impacting the former.
  - c. *Street and lot layout.* Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots, access and streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossing and streets traversing existing slopes over 15% shall be strongly discouraged.
  - d. *Lot lines.* Fourth, draw in the lot lines. These are generally drawn midway between house locations.
- 25.6 Lot Dimensions - Each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,000 square feet if not serviced by town water. Said lots shall have frontage of not less than 50 feet, front yards of at least 20 feet and rear and side yards of at least 10 feet.
- 25.7 Number of dwelling units - The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.
- 25.8 Access to lots - Lots within a Conservation Subdivision may only be accessed from roads within the subdivision.
- 25.9 Open Space requirements - A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas and shall not consist of narrow strips of land around the perimeter of the site which do not meet the intent of this by-law. The Board may require interconnected open space on adjacent subdivisions to encourage biodiversity by

maximizing habitat size and minimizing edge effects. Such open space may be separated by the road(s) constructed within the Conservation Subdivision. A physical demarcation between residential properties and the required open space shall be included to prevent said open space from being absorbed by adjacent residential properties. Suggested examples include split rail fences, stone walls, boulders or other impediments as approved by the Board. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions shown on the Development Plan.

The required open space shall be used for conservation, historic preservation, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Existing underground utilities, as of the date of adoption of this section, to serve the Conservation Subdivision site may be located within the required open space.

The required open space shall, at the owner's election, be conveyed to a corporation or trust owned jointly or in common by the owners of lots within the Conservation Subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the 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 the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town 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. The owner of each lot shall be deemed to have assented to the town a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

Any proposed open space 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 for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- 25.10 Decision - The Planning Board may approve, approve with conditions, or deny an application for a Conservation Subdivision, after assessing whether the Conservation Subdivision better promotes the objectives herein, than would a conventional subdivision.

**25.11 Relation to Other Requirements - The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning by-law.**