

# Major Residential Development Bylaw

*Draft dated May 31, 2005*

Note: This new bylaw becomes Section XI-J, "Major Residential Development".

## J. Major Residential Developments

### 1. Purposes

The purposes of this bylaw are:

- (a) To allow landowners a reasonable return on their holdings, while conserving the town's most important natural resource areas for long-term resource stewardship and use.
- (b) To provide increased flexibility and options in the design and layout of residential development, provided that the net residential density is no greater than is normally permitted in the zoning district.
- (c) To encourage residential development designs which are configured to permanently conserve the town's important farmlands and forestlands.

### 2. Applicability

- (a) Within any residential zone, Major Residential Development is allowed only in compliance with the Cluster Development standards in Section XI-B.
- (b) Major Residential Development shall be defined as the subdivision of any land parcel of ten acres or more, or the subdivision of any parcel into ten or more lots. Plans for the division of land, which do not require approval under the Mass. Subdivision Control Law (M.G.L. Chapter 451, Section 81P) shall not be deemed to constitute a Major Residential Development.

### 3. Procedures

- (a) All applicants for Major Residential Developments shall, prior to preparing any development drawings, meet with the Planning Board to discuss the attributes of the property. At this initial meeting, said property shall be identified by the applicant on the Board's set of resource maps, and the Planning Board shall determine the locations of farmlands and forest lands on the applicant's parcel.
- (b) Farmlands shall be determined as follows: Lands with soils classified as "prime farmland soils" or "soils of state and local importance" according to U.S. Soil Conservation Service classifications, and lands in agricultural production.
- (c) Application for a Major Residential Development shall require the preparation and submittal to the Planning Board of a Cluster Development Plan, illustrating lots, roads and open space proposed to be created in accordance with the dimensional and density requirements of Section XI-B Cluster Development.

- (d) In addition to the minimum requirements in the Cluster Development bylaw and the Southampton Subdivision Regulations, the applicant shall also submit to the Planning Board a site plan illustrating any areas of the property which are classified as farmlands on the Planning Board maps.

#### 4. Major Residential Development Performance Standards

- (a) To the extent feasible, any Major Residential Development shall comply with the following performance standards:
  - (1) To the extent feasible, all buildings and roads shall be located away from, and shall be laid out to minimize impacts on lands most suitable for agricultural use, or “prime farmlands.” This provision does not apply to the location of on-site septic disposal facilities, which must be placed in soils meeting Title V of the Massachusetts Environmental Code, and may be located beneath farmlands.
  - (2) Prime farmlands shall be determined based on current agricultural land use and on U.S. Soil Conversation Service classifications for prime farmland soils and soils of state and local importance.
  - (3) The preferred method for permanent protection of open agricultural land shall be through the conveyance of a permanent conservation restriction or deed restriction to the town with town approval or to a non-profit conservation organization, or to a homeowner’s association.
  - (4) To the extent feasible, protected agricultural lands shall be those farmlands which are contiguous to other adjacent farmland parcels.

#### 5. Approval of Final Development Plan

- (a) The Planning Board shall make a determination to either accept the proposed development plan or to request revisions, based upon the following criteria:
  - (1) The pan, to the extent feasible, conserves prime agricultural lands, including lands in current agricultural use and important farmland soils in accordance with Section J-4 of this bylaw;
  - (2) The plan complies with the Cluster Development provisions in Section XI-B.