

**PROPOSED ZONING AMENDMENTS TO THE GREENFIELD ORDINANCE**  
**August 2, 2024, September 9, 2024**

**Note:** Text with a ~~strike through~~ is text to be deleted, ***black bold italic*** text is newly proposed text.

**~ 200-39. Open space/cluster developments.**

- A. Description. An open space/cluster development shall mean a residential development in which the buildings are clustered together into one (1) or more groups on reduced lot sizes with the remaining land permanently ***protected***~~undeveloped~~.
- B. Purpose. The purpose of open space/cluster development is to allow for a flexible design in residential development of single-family, two-family, and multifamily housing. The intention is to:
- (1) Promote a more efficient use of land in harmony with its natural features;
  - (2) Encourage a less sprawling form of development that consumes less open land;
  - (3) Encourage the permanent preservation of open space, agricultural lands and other natural resources;
  - (4) Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
  - (5) Promote diverse housing at a variety of costs.
- C. Open Space/cluster developments are allowed in the Urban Residential (RA), Suburban Residential (RB), and Rural Residential (RC) zoning districts subject to site plan review by the Planning Board with the following regulations and conditions.
- D. Procedures.
- (1) Preapplication review. To promote communication and avoid misunderstanding, applicants are strongly encouraged to submit preliminary materials for informal review by the Planning Board prior to formal application.
  - (2) Application.
    - (a) Applicants for an open space/cluster development shall submit to the Planning Board twelve (12) copies of an application and twelve (12) prints of the development plan, with one set being reduced to 11" x 17". If the land on the plan involves more than one (1) ownership, each owner of land included on the plan shall be a party to the application and, upon plan approval, subject to its provisions for any land shown on the plan as part of the open space/cluster development.

(b) The Planning Board approval of a cluster development site plan hereunder shall not substitute for compliance with the Subdivision Control Act<sup>1</sup> nor oblige the Planning Board to approve a related definitive plan for subdivision, nor reduce any time periods for Planning Board consideration under that law. However, in order to facilitate processing, the Planning Board may, insofar as practical under law, adopt regulations establishing procedures for submission of a combined development plan and application which shall satisfy this section and the Board's regulations under the Subdivision Control Act.

(3) Submittal requirements. The development plan shall be prepared by a registered professional civil engineer, a registered land surveyor or **registered landscape architect**~~other qualified professional~~ at a scale of one (1) inch equals forty (40) feet and shall be on standard twenty-four (24) by thirty-six (36) inch sheets prepared, at a minimum, in accordance with the Site Plan Review Section, ~ 200-61, of this ordinance and the requirements for a preliminary subdivision plan under the Greenfield Subdivision Regulations.<sup>2</sup> The plan shall also include the following information:

(a) Identification of existing vegetative cover, natural resources, topography and land uses, including the boundaries of all wetlands on the site as determined by the Greenfield Conservation Commission;

(b) Existing structures, **public water lines, private wells, sewer systems, water systems, and septic systems, and telecommunications infrastructure and other utilities**~~wells, septic systems, sewer lines, water lines, utilities, and drainage;~~

(c) Soil types, based on the Soil Conservation Service Soil Survey and on-site soil boring logs, approximate depth to groundwater, location and results of percolation tests and other subsurface tests;

(d) Proposed uses of land and buildings;

(e) The location and dimension of all proposed lots;

(f) Proposed lot lines, streets, parking areas, walkways, drainage and utilities, existing and proposed easements;

(g) The general location and description of proposed public water lines, private wells, sewer systems, water systems, ~~and~~ septic systems, **connections for fire hydrants, and telecommunications infrastructure and other utilities;**

(h) The location, size and description of proposed common open space, parks, and other community or recreational uses. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.

(i) A proposed landscaping plan and grading plan;

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<sup>1</sup>Editor's Note: See MGL c. 41, ~ 81K et seq.

<sup>2</sup>Editor's Note: See Ch. 880, Subdivision of Land.

- (j) The location, number, and types of residential dwelling units.
- (4) Additional submittal requirements:
  - ~~(a) The number of dwelling units and lots which could be constructed under this ordinance by means of a conventional development plan without open space/cluster approval;~~
  - ~~(ab)~~ Proposed design features to integrate the development into the existing landscape, the surrounding neighborhoods, and enhance aesthetic assets;
  - ~~(be)~~ Pre- and post-development runoff calculations;
  - ~~(cd)~~ If phasing of the development is proposed, a phasing schedule indicating which portions of the development including buildings, dwelling units, infrastructure, etc., to be constructed during each phase;
  - ~~(de)~~ Materials indicating the landowner's interest in the land to be developed, the form of organization proposed to own and maintain the common land and the substance of covenants and grants of easements to be imposed upon the use of land and structures;
  - ~~(ef)~~ If necessary to determine compliance with the requirements or intent of this provision, the Planning Board may require further engineering or environmental analysis to be prepared at the expense of the applicant.
- (5) Review by other boards. Within ten (10) days of receiving the application and development plan, the Planning Board shall transmit one (1) copy of the plan to the Department of Public Works, Fire Department, Inspector of Buildings, Board of Health and Conservation Commission for review and comment. Failure to comment within thirty (30) days shall be deemed as no objection to the development plan.

E. Permitted uses.

- (1) The permitted uses in an open space/cluster development may include single-family, two-family, and/or multifamily dwellings. ~~In mixed-use developments, multifamily dwelling units shall not exceed thirty percent (30%) of the total number of dwelling units.~~
- (2) Multifamily dwellings shall also meet the design requirements for multifamily dwellings, ~ 200-40, of this ordinance.

F. Lots/units.

*(1) The maximum initial number of dwelling units permitted in an OSCD shall be calculated by a formula based upon the net acreage of the parcel. This formula takes into account site-specific development limitations that make some land less suitable for development than other land. The factors named below are included for net acreage calculation purposes only and do not convey or imply any regulatory constraints on development that are not contained in other applicable provisions of law, including the City of Greenfield Zoning Ordinance. To determine net acreage, subtract the following from the total (gross acreage of the site):*

- (a) *Ten percent (10%) of the acreage of land with slopes of 25% or greater;*
- (b) *Ten percent (10%) of the total acreage of land subject to easements or restrictions prohibiting development, lakes, ponds, vernal pools, 100-year floodplains as most recently delineated by FEMA, Zone I and A around public water supplies, and all wetlands as defined in Chapter 131, Section 40 of the General Laws and any state or local regulations adopted there under, as delineated by an accredited wetlands specialist and approved by the Conservation Commission; and*
- (c) *Ten percent (10%) of the remaining acreage after the areas of A and B are removed to account for subdivision roads and infrastructure;*

(2) *The maximum initial number of allowable dwelling units on the parcel shall be determined by dividing the net acreage determined under section ~ 200-39(F1), above, by the minimum lot area requirement of the district under this zoning ordinance. Fractional units of less than .5 shall be rounded down and fractional units of .5 or more shall be rounded up.*

(3) *For parcels located in more than one zoning district, the maximum initial allowable number of dwelling unit for each zoning district shall be computed separately first. These totals shall be added together and then rounded as above. The allowable number of maximum bonus dwelling units for the entire OSCD shall be calculated based upon this combined total number of dwelling units. The permitted location of the dwelling units and Protected Open Space shall be wherever the Planning Board determines best fits the characteristics of the land, based upon the Conservation Analysis and Findings described in Article 2 of the Subdivision Regulations.*

~~(1) — The number of lots/dwelling units shall not exceed that which could be built on the tract in the district under this zoning ordinance. The number of lots/dwelling units shall be computed by subtracting from the total land area any land used for roadways, any lots not buildable in accordance with this ordinance, Title V of the State Sanitary Code (if not connected to municipal sewer), or any other local or state regulation and then dividing by the minimum lot requirement for each type of dwelling unit proposed. Total lots/dwelling units shall be rounded to the nearest whole number.~~

~~(2) — Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.~~

~~(3) — Each lot shall have adequate access on a public way or on a private way approved under the Greenfield Subdivision Regulations.<sup>3</sup>~~

**G. *Density Bonus.***

- (1) *The planning board may award via special permit a density bonus to increase the number of dwelling units beyond what is allowed under ~200-39(F) of this Ordinance. The additional number of dwelling units permitted under this section ~200-39(G) shall be known as the OSCD's "density bonus." When determining the final total number of bonus dwelling units, fractional units of less than .5 shall be rounded down and fractional units of .5 or more shall be rounded up. The maximum density bonus award is subject to the adequate spacing needed for utilities (see J(2) of this Section).*
- (2) *Bonus density incentives:*

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<sup>3</sup>Editor's Note: See Ch. 880, Subdivision of Land.

<i>Design Feature</i>	<i>Bonus</i>
<i>OSCD protects 10% above the minimum requirement for the District</i>	<i>10%</i>
<i>OSCD protects 15% above the minimum requirement for the District</i>	<i>5% for each additional 5% protected</i>
<i>OSCD protects 20 or more contiguous acres</i>	<i>10%</i>
<i>OSCD protects land contiguous to an already protected area outside the OSCD parcel so as to increase the practical area of working agricultural land, forest, or wildlife habitat in the already protected area by 25%</i>	<i>10%</i>
<i>OSCD allocates more than 30% of the allowed lots for two-family, three-family, or multi-family homes</i>	<i>10%</i>
<i>OSCD contains units that have a maximum HERS rating of 0 (Net-Zero Energy homes)</i>	<i>10% bonus if 20% or more of the units meet this standard</i>
<i>OSCD design orients all homes for future rooftop solar PV installations</i>	<i>5%</i>
<i>OSCD design includes the installation of solar PV on all rooftops</i>	<i>10%</i>
<i>OSCD contains dwelling units that can be counted towards Greenfield's 10% affordable housing requirement set by Chapter 40B</i>	<i>10% bonus if 20% or more of the units meet this standard</i>
<i>OSCD contains dwelling units designated as affordable senior housing (55+)</i>	<i>5% if at least 10% of the units meet this standard</i>
<i>All homes in the OSCD include water collection for irrigation</i>	<i>5%</i>
<i>OSCD design includes recreational opportunities for the public by providing access to walking trails or other passive forms of recreation</i>	<i>5%</i>
<i>OSCD protects mature trees in the development area</i>	<i>5%</i>

**GH.** Dimensional requirements.

- (1) The area of the tract to be developed shall be not less than five (5) contiguous acres.
- (2) The minimum lot size per unit may be reduced to no less than the minimum lot area requirement of the Residential A District in ~ 200-11. of this ordinance.
- (3) Lot frontage and lot width may be reduced to a minimum of fifty (50) feet in the RA, RB and RC Districts.
- (4) Flag lots which meet the requirements of ~ 200-46 of this ordinance shall be permitted.
- (5) The minimum front and rear setback requirements and the open space per lot shall be the same as normally required in the district. The side yard requirements shall be ten (10) feet for single- and two-family dwellings and twenty (20) feet for multifamily structures in all residential districts.

The Planning Board may reduce, by up to one half, the setbacks otherwise listed in the Table of Dimensional Requirements in this ordinance if the Board finds that such reduction will result in better design, improve protection of natural and scenic resources and will otherwise comply with this ordinance.

(6) Further reduction of frontage, lot width, lot size, and setbacks from those set forth in this ordinance may be granted by the Planning Board by special permit if the Board finds that such reduction will result in better design, improve protection of natural and scenic resources and will otherwise comply with this ordinance.

(7) The maximum building height in any open space/cluster development shall be thirty-five (35) feet.

(8) All buildings and accessory structures and uses on a lot which adjoins a lot not within the open space/cluster development shall meet the minimum setback requirements for the district.

#### **H.** Common open space requirements.

(1) All land not devoted to dwellings, accessory uses, roads, or other development shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.

(2) Common space shall be equivalent to the total reduction in lot sizes but shall be at least twenty-five percent (25%) of the total land area of the tract in Urban Residential (RA) zones and twenty-five percent (25%) in Suburban Residential (RB) and **fifty percent (50%) in Rural Residential (RC) zones** ~~not including wetlands determined by the Conservation Commission under the Wetlands Protection Act, floodplains, and slopes in excess of twenty five percent (25%).~~ In no case shall a parcel of common open space be less than one (1) acre in Urban Residential (RA) zones or one and one-quarter (1 1/4) acres in Suburban Residential (RB) or Rural Residential (RC) zones. At least one-half (1/2) of the open space shall be shaped for land uses such as recreation and agriculture. ***To the extent possible, the preserved land shall form a contiguous tract.***

(3) Further subdivision of common open space or its use for other than the above listed uses, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed five-percent coverage of such common open land.

(4) Such common open space shall be either:

(a) Conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;

(b) Conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development and to be managed by a nonprofit organization, the principle purpose of which is the conservation or preservation of open space;

(c) Conveyed to the City of Greenfield, at no cost, and accepted by it for a park or open space use. Such conveyance shall be at the option of the City and shall require the approval of the City Council.

*(d) Conveyed to a non-profit land trust whose principal purpose is to conserve farmland and/or forestland, subject to the covenant requiring employment of land management practices that will ensure existing agricultural fields and pastures will be mowed or plowed at least once per year. Included with the covenant shall be copies of the lease, for a minimum of five years, with a farmer or operator who will use the land for agricultural purposes.*

(5) In any case where such land is not conveyed to the City, a conservation restriction enforceable by the City shall be recorded to ensure that such land shall be kept in an open or natural state and shall not be built for residential use or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like.

**IJ.** Improvements.

(1) Roadways, drainage, utilities, sidewalks, and grading shall be designed in accordance with the Greenfield Subdivision Regulations.<sup>4</sup>

(2) All lots shall be served by adequate water and sewage disposal service. The proposed water system shall be either connected to a municipal water system or to an individual water supply approved by the Greenfield Board of Health and the Massachusetts Department of Environmental Protection. The proposed sewage disposal system shall be either municipal sanitary sewer or individual or community septic systems approved by the Board of Health and/or the Massachusetts Department of Environmental Protection.

(3) Shared (community) septic systems shall be built in compliance with regulations for shared systems found in 310 CMR 15.000 (Title V). Septic systems shall be placed in the development to maximize the distance between systems and leaching areas shall be placed within common open areas rather than on individual lots. Individual on-site septic systems shall also be allowed on lots which meet all the standard dimensional requirements in the district and the requirements of Title 5 of the State Environmental Code.

(4) Community septic systems shall only be permitted if a properly recorded ownership and maintenance agreement has been submitted and approved by the Planning Board and, if required, by the Massachusetts Department of Environmental Protection.

(5) There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driveways, and parking.

*(6) Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.*

*(7) Each lot shall have adequate access on a public way or on a private way approved under the Greenfield Subdivision Regulations.<sup>5</sup>*

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<sup>4</sup>Editor's Note: See Ch. 880, Subdivision of Land.

<sup>5</sup>Editor's Note: See Ch. 880, Subdivision of Land.

***(8) The design shall include a planting plan that includes sufficient native trees and plantings to improve the visual character of the development and screen structures from public ways.***

***JK.*** Community association. Ownership and maintenance of common open space, community water and sewage disposal systems, private ways, recreational facilities or any other commonly held property or facility shall be permanently assured through a nonprofit homeowners' or condominium association recorded by a covenant or other agreement in the Franklin County Registry of Deeds. Such agreements shall be submitted with the development plan and shall be subject to approval by the Planning Board and City Council.

(1) Such agreements shall specify ownership of all common land, facilities, etc.; method of maintenance; responsibility for maintenance; compulsory membership in the association as a requirement of ownership of any lot or unit in the development; compulsory assessments for the cost of maintenance and the creation of a lien on the property assessed for failure to pay such assessment; guarantees that the association formed to own and maintain the common land and facilities shall not be dissolved without the consent of the Planning Board; guarantees that the ownership of common open space shall not be transferred without first offering the land to the City of Greenfield; and any other specifications deemed necessary by the Planning Board.

(2) Such agreements shall provide that in the event that the association or any successor organization fails to maintain the common open space or any commonly owned facility in reasonable order and condition in accordance with the development plan, the City may enforce such agreements and may enter onto such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land or facility from becoming a public hazard or nuisance. If the City is required to perform any maintenance or repair work, the members of the association shall pay the cost thereof and the cost, if unpaid, shall become a lien upon their properties until said cost has been paid.

***KL.*** Criteria for approval. Approval of an open space/cluster development shall be granted only if the Planning Board determines that it complies with all pertinent criteria in the Subdivision Regulations and:

(1) The requirements of this open space/cluster development provision have been complied with;

~~(2) The plan is superior to a conventional one in preserving open space for conservation, recreation, or agriculture, in utilizing the natural features of the land, in allowing for more efficient provision of streets, utilities, and other public services, or in providing for affordable housing, and is at least equal in all aspects to a conventional subdivision plan;~~

(32) The applicant has shown to the satisfaction of the Planning Board that the potential for groundwater pollution is no greater from the proposed open space/cluster development than would be expected from a conventional development meeting the minimum lot size requirements located on the parcel. The burden of proof shall be on the applicant and the Board may hire professional assistance to certify impacts to groundwater at the expense of the applicant. The Board may impose conditions, including monitoring, to ensure groundwater protection;

(43) The Planning Board may impose a development phasing schedule in accordance with ~ 200-60. of this ordinance.

**LM.** Further requirements upon approval.

- (1) There shall be no ~~increase in density~~, change in street layout, type of use or dwelling, or open space or any other substantial change as determined by the Planning Board to an approved development plan without review and further hearing by the Planning Board unless specified differently as a condition of approval.
- (2) No lot within an approved open space/cluster development may be further subdivided so as to increase the number of lots unless approved as a major amendment, and a notation to this effect shall be shown on any definitive plan of a subdivision based upon this section.
- (3) Prior to development or sale of any lot within an open space/cluster development, all lots to be so developed shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, and a covenant or other instrument satisfactory to the Planning Board shall have been executed assuring the open land or recreational use of lands so designated in the development plan and the ownership and maintenance of any communal septic systems or other commonly owned facility.