

Read 12/5/19

at PB meeting

Gallagher/Brownski

## SECTION 173-100 DECISION CRITERIA

### A.

In an Open Space Development, dwellings and accessory buildings should be arranged in groups that do not detract from the ecological and visual qualities of the environment, and are harmonious with the existing neighborhood. The review shall consider whether the size of the planned open space is such that preservation of desirable open space of the vicinity is maximized.

Five houses near Gallagher residence. 3 houses on Harwood Avenue, a scenic road. All of the lots are less than  $\frac{1}{2}$  acre. 40,000 required in the district. 2 houses tucked near wetlands with crossings. 14 houses in existing meadow, the most desirable vista to preserve. The only legitimate open space parcel wraps around the perimeter.

### B.

Prior to the granting of a Special Permit under this article, the developer shall execute and deliver to the SPGA a binding agreement, which may state that it is contingent on the granting of the permit, to convey and restrict the open space in accordance with the terms of the Special Permit.

Not being followed. No open space conveyance proposed. Part of 2 lots.

### C.

The Planning Board may approve or approve with conditions, a Special Permit for Open Space Development, provided that the Board determines that the plan complies with all relevant requirements of the Zoning Bylaw, and is on balance no less beneficial to the Town than the development likely without such approval, taking into consideration the following, among other concerns.

Conventional subdivision should equate to the "yield plan." The yield plan was never peer reviewed. Comparison to Master plan shows discrepancies in wetlands and perimeter property line, making lots questionable. Best estimate under legitimate yield plan is 12 units. Seventeen units proposed. Increase despoils the most valuable open space.

(1)

Preservation of natural resources, especially in relatively large-scale contiguous areas.

Unnecessary wetlands crossing, meadow filled with housing, open space not "large-scale" or contiguous (for the most part).

(2)

Protection of visual character by having open spaces which are visible from major roads.

The open space visible today is 12 or 13 house lots tomorrow.

(3)

Reduction in length of publicly maintained roads and utilities per dwelling unit served.

The conventional subdivision road for 12 lots is the shorter than the road proposed today for 17 OSD lots.

(4)

Location of development on sites best suited for such and avoiding environmentally fragile locations.

See #1, above.

(5)

Protection of major street appearance and capacity by avoiding development close to or egressing directly onto such streets.

Developer has not accepted, nor has the board required the Developer to meet the recommendation of the Board's peer reviewer consultant, Green International, to relocate the road.

(6)

Contribution to meeting housing need.

Developer paying in lieu?

(7)

Protection of water resources through careful location of potential sources of contamination.

Developer has wetlands crossing for 2 estate lots. Foundation drains may result in contamination of water resources in the event of spills.