

§ 173-101. Activities not allowed.

- A. Following the submittal of an application for a Special Permit under this Article, the developer shall not perform or permit to be performed any cutting of trees on the site or any excavation other than test pits prior to the SPGA's final action. Any test pits so dug or existing prior to the application, which are located in the proposed open space, shall be filled to the preexisting grade prior to the granting of the Special Permit. Failure to fulfill this requirement shall be deemed grounds for denial of the Special Permit.
- B. Within Aquifer or Water Resource Districts, wastewater disposal facilities shall not serve more than one dwelling unit per 40,000 square feet land area of the portion of the development within such districts.

§ 173-102. Allowed uses.

- A. Units shall be single-family detached.
- B. Community recreation facilities serving the development.
- C. Offices and maintenance facilities for the open space community association and its management organization.
- D. Construction offices and sales offices, for the open space only, until the last approved unit is initially sold.
- E. Normally acceptable accessory uses and facilities incidental to the principal uses.

§ 173-103. (Reserved)

§ 173-104. Density calculation. [Amended 5-6-2013 ATM, Art. 20]

- A. Except as modified by Subsection B below, the maximum number of dwelling units in an Open Space Development shall be calculated via a Density Yield Plan. A Density Yield Plan shall show the number of building lots that can be developed by right in a conventional subdivision under the zoning requirements of the Zoning By-Law (other than the Special Permit provisions under this Article XIX, Open Space Development) and all applicable land use regulations in the district (including wetlands protection), and complying with the Subdivision Rules and Regulations, as demonstrated by a preliminary subdivision density yield plan. The applicant must further certify that each lot identified on the Density Yield Plan can support the placement of an on-lot septic system for a four bedroom residential dwelling, as evidenced by a soils and percolation tests, consistent with Title 5. Such Density Yield Plan shall be submitted with the Open Space Development special permit application and shall be subject to the review and approval of the Planning Board. The applicant is encouraged to submit such material to the Planning Board office early in the development process, prior to submittal of a completed application, for verification and acceptance of the proposed development density.

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