

**RULES AND REGULATIONS  
GOVERNING AN OPEN SPACE COMMUNITY  
MILLBURY, MASSACHUSETTS**

**ADOPTED JUNE 12, 2006**

**1.0     *PURPOSE***

The Rules and Regulations Governing an Open Space Community in the Town of Millbury, Massachusetts provide standards for development of Open Space Communities (OSC), a preferred method of land development in residential and suburban zoning districts. The rules and regulations have been enacted for the purpose of implementing the Town of Millbury Zoning Bylaws, Section 44, Open Space Community. The bylaw allows for greater flexibility and creativity in the design of resident developments; facilitates the permanent protection of open space and natural, historic, and scenic resources; and encourages a more economical and efficient form of development that is less sprawling, consumes less open land, does not tax community services unduly, respects a site's physical characteristics, and minimizes the total amount of disturbance to the site.

**2.0     *OPEN SPACE COMMUNITY SITE PLAN***

**1.   Pre-Application**

Per Section 44.4.1 of the Millbury Zoning Bylaws, applicants shall submit the following information to facilitate review and discussion of the OSC at the pre-application stage. At the pre-application meeting, the applicant shall submit a Site Context Map and Site Analysis Map as detailed below.

1.   Site Context Map – This map places the parcel in context with the surrounding neighborhood. Based upon existing data sources and field inspections, it shows various major natural resource areas or features that cross parcel lines or are located on adjoining lands.
2.   Site Analysis Map – This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, it locates and describes noteworthy resources that should be protected through a sensitive subdivision layout. These resources include wetlands, riverfront areas, water bodies, floodplains and steep slopes, but may also include agricultural fields, mature woodlands, hedgerows, unique or special wildlife habitats, historic or cultural features (such as old buildings or stone walls), unusual geologic formations and scenic views into and out of the property. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.
3.   Other Information – Applicants are invited to show the proposed layout of streets, house lots and open space in conformance with the Design Process specified in Section 44.7 of the Zoning Bylaws.

## **2. Submission Requirements**

The Applicant for an OSC shall submit fifteen (15) copies of a site plan consisting of the sketch plan and the yield plan, together with the original and two (2) copies of Form M, and the appropriate submission and professional and technical review fees (See Planning Board Fee Schedule) to the Department of Planning and Development by delivery or by certified mail (postage prepaid, receipt required). The Applicant shall submit one (1) copy of the site plan to the Board of Health. In addition, the Applicant shall provide written notice of such submission using application Form M to the Town Clerk by delivery or by certified mail (postage prepaid, receipt required).

No site plan shall be accepted as a submittal unless and until all information necessary for such review, as described herein and in Section 44 of the Town of Millbury Zoning Bylaws are fully provided unless waivers are requested in writing. At the time of submission, the Board or its Agent, shall make a determination, using a checklist, that the submission requirements are either complete or incomplete.

If the submission has been determined to be incomplete, the plan shall be returned to the Applicant either in person or by certified mail with a letter indicating that insufficient information has been provided making it impossible for the Board to adequately review and render a decision on the plan. Incomplete plans shall not be considered submittals and shall not be considered the start of any time limits within which the Board is required to act. If the submission has been determined to be complete, the Applicant shall file written notice (Form M) with the Town Clerk by delivery or by certified mail, postage prepaid. The Town Clerk shall time and date stamp said notice to fix the date of submission.

## **2. Contents**

Eleven copies of the site plan shall be on paper sized twenty-four inches by thirty-six inches (24" x 36"), at a scale of one inch equals forty feet (1" = 40') and four prints shall be reduced to eleven inches by seventeen inches (11" x 17"). Said site plan shall show sufficient information about the OSC to form a clear basis for discussion of any issues, and for the preparation of the definitive plan. Such information shall include the following:

1. The Sketch Plan shall include the following:
  - (a) A locus plan at a scale of one inch equals one thousand feet (1" = 1,000').
  - (b) An index plan at a scale of one inch equals four hundred feet (1" = 400'), when multiple sheets are used.
  - (c) The OSC name, boundaries, reference north point, date, datum (NAD 83 and NAVD 88), scale, legend, title "Open Space Community Site Plan", and scale (1" = 40').

- (d) The names, addresses and telephone numbers of the record owner and the Applicant and the names, addresses, telephone numbers, stamps and signatures of the engineer and surveyor responsible for the preparation of the plan.
- (e) The locations of existing landscape features including forests, farm fields, meadows, wetlands, riverfront areas, waterbodies, archeological and historic features, rock outcrops, boulder fields, stone walls, cliffs, high points, outstanding vistas, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section 44.7. All site features to be preserved, demolished, or moved shall be noted on the Sketch Plan.
- (f) Locations of all existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, community buildings, and off-street parking areas. Off-street parking areas, if any, shall be shown on the plan and described briefly.
- (g) Topography of the land at ten foot (10') contour intervals based upon USGS data and SCS soil maps.
- (h) The existing and proposed lines of streets, ways, easements and any parcel(s) of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated in a general manner.
- (i) Proposed roadway grades.
- (j) The names, approximate locations and widths of adjacent streets bounding, approaching or within five hundred feet (500') of the proposed subdivision street(s).
- (k) The approximate location of stormwater management facilities, including swales, detention and retention ponds. Flowage rights, whether public or private, adjacent to or within the proposed subdivision shall be shown in a general manner.
- (l) A narrative explanation prepared by a certified Professional Engineer proposing systems for stormwater drainage. For example, the narrative will specify whether soft or hard engineering methods will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative.
- (m) The proposed sanitary sewer system and water distribution system, in a general manner.
- (n) A narrative explanation describing the likely impacts of the proposed sanitary sewer system on-site and to any abutting parcels of land.

- (o) All on-site local, state and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Sketch Plan.
- (p) Lines showing proposed residential lots, as located during step four of the Design Process (see Section 44.7), with approximate areas and dimensions.
- (q) All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- (r) A narrative explanation of the proposed quality, quantity, use and ownership of the common open space. Common open space parcels shall be clearly shown on the plan.
- (s) If the OSC site plan does not include all tracts of land that can be further subdivided that are owned or controlled by the applicant or owner and lie adjacent to or across the street from the subdivision, an additional sketch plan shall be submitted showing a possible or prospective street layout and the present drainage, natural or constructed for such adjacent land.
- (t) A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, with an accompanying narrative explaining their general purpose.
- (u) A list of requested waivers.

2. The Yield Plan shall include the following:

The Yield Plan shall show the maximum number of dwelling units that could be placed upon the site in a conventional subdivision in full conformance with zoning, subdivision regulations, health codes, wetlands bylaws and other applicable requirements. The Yield Plan shall contain the information required in Section 5.1.2 of the *Millbury Rules and Regulations Regarding the Subdivision of Land*. Those seeking density bonuses shall submit calculations and any other documentation necessary to demonstrate qualification for the bonus.