

Appendix B: LOT SIZE AVERAGING IN THE FOREST CONSERVATION DISTRICT

Purpose

The purpose of this ordinance is to develop land in Springfield that is consistent with the Town of Springfield's Master Plan, in "protecting against development or land use change which will require costly public investment or services," and "preserving open space while providing more flexibility to land owners."

Lot size averaging permits flexibility in subdivision design to promote the most appropriate use of land, to facilitate economical and efficient provision of public services; to allow land use patterns which preserve agricultural soils, wildlife habitat, outstanding natural, topographic and geologic features; and to preserve the natural and scenic qualities of the open land in the Town for conservation and recreation. This innovative land use is enabled through RSA 674:21.

The Planning Board may approve reductions in lot size, frontage and setbacks in accordance with the objectives of the Master Plan.

Applicability

This ordinance shall only apply to the area designated by the Town as the Forest Conservation District.

Density

The total number of lots approved will be determined based on the number, which would likely otherwise be approved under a conventional subdivision plan.

The applicant must submit a concept plan showing lots, road rights-of-way, and storm water management areas, and any other land which would not be incorporated in individual lots as necessary to meet the usual minimum standards for the district. The concept plan should show no necessity for any lot area or lot dimension variances, and should account for development limitations such as steep slopes, wetlands, septic suitability, available water supply, adequate driveway access to each lot, and compliance with the Town of Springfield subdivision regulations.

For each lot less than the minimum size normally required for the district, one or more lots larger than the minimum shall be provided in order to maintain the *average lot size* no smaller than the underlying lot size normally allowed in the Forest Conservation District. In no case shall lots be smaller than the minimum lot size that would be permitted in the Rural Residential District found throughout the remainder of the Town of Springfield.



Example 1: Conventional Subdivision: A 160-acre parcel subdivided using the underlying Forest Conservation District where no lot is smaller than 50 acres.

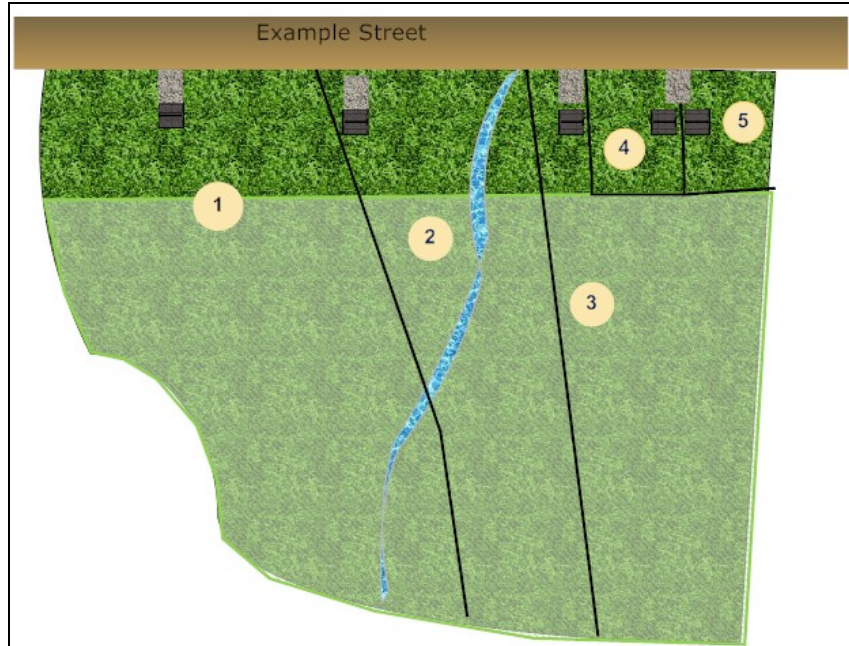


Example 2: Lot Size Averaging Subdivision: A 160-acre parcel subdivided using lot-size-averaging allows the original landowner to retain the vast majority of his/her property, while subdividing the same number of properties as the underlying Forest Conservation District would allow in a conventional subdivision.

INCREASED DENSITY OPTION:

A density bonus of up to two times the number of new lots that could otherwise be created will be permitted for subdivisions that result in the permanent protection of not less than 75% of the parent lot for the protection of resources identified in the master plan as important to the community as further defined below. The land to be protected must be appropriately sized, configured and located to achieve the resource protection goals stated in the Master Plan and must be a contiguous area. The Planning Board’s determination of appropriateness may include consideration of the relationship of the land to be protected to features of adjacent properties. Any improvements of the lots shall be required to be placed within the remaining 25% of the parent lot. The minimum acreage of the parent lot necessary to engage increased density option shall be 75 acres.

For each lot less than the minimum size normally required for the underlying Forest Conservation District, one or more lots larger than the minimum shall be provided in order to maintain an *average* size no smaller than 50% of that permitted by the underlying Forest Conservation District. In no case shall lots smaller than 1.5 acres be permitted as is consistent with the Rural Residential District found throughout the remainder of the Town of Springfield.



Example 3: Increased Density Option Subdivision: The shaded area shows the 75% (120 acres) that would be required to be restricted from development. Under lot-size averaging the delineation of the lot is not imposed on by the development restriction. In this example, the original lot #1 and lots #2 and #3 would require delineation of the development restricted area in addition to the deed restriction place on all lots not be subdivided in the future. Of the 160 original acres, 40 acres are available for development for the original housing unit plus the four additional new housing units.

Dimensions and Arrangement of Lots

The lot size, frontage and setbacks shall remain as required within the underlying Forest Conservation District with the following exceptions.

For any subdivision, which incorporates INCREASED DENSITY OPTION into its subdivision plans, the minimum road frontage may be reduced to 200 feet consistent within the Rural Residential District.

The factors considered by the Planning Board when evaluating the proposed arrangement of lots shall include, but not be limited to, the following;

- Arrangement of roads, stormwater facilities, wastewater and other utilities in conformance with the natural features of the parcel, minimizing changes to the topography.
- Minimization of impervious cover.
- Protection of stream corridors and other important habitat areas.
- Protection of wetlands
- Feasibility of continued or future agricultural use.
- Feasibility of continued or future forest management.

- Relationship to neighboring property, including conservation easements, or natural, cultural, recreational or scenic features.
- The Town's Wetlands Conservation Overlay District.

In no case shall lots smaller than 1.5 acres be permitted. When frontage requirements are reduced, the Planning Board may require shared driveways.

Permanently Protected Area

When using the INCREASED DENSITY OPTION, the lot-size averaging plan will concentrate development away from the most important resource areas and from those areas of the property that are most environmentally sensitive as described above on 75% of the property of the parent lot.

Further subdivision shall be prohibited. The following are permitted uses in lots created under the terms of this ordinance: one dwelling unit per lot in the area not designated as the protected area, agriculture and forestry uses. The land shall be shown on the final plat and the restrictions from further subdivision shall be recorded with the Registry of Deeds.

Additionally, a deed restriction will be placed on property that contains the 75% restricted area. Consistent with RSA 674:21-a, this innovative land use ordinance, "shall be deemed to create a conservation easement restriction as defined in RSA 477:45, I." This enables the municipalities to enforce the deed restrictions that are placed on the land through this ordinance.

Partial Subdivision Provision

A landowner may choose to subdivide his/her property without creating the maximum number of lots permitted. Upon submission to the Planning Board of a subdivision application, the applicant must either show the delineation of the 75% development restricted area, or forfeit the potential future benefit from the INCREASED DENSITY OPTION as defined in this ordinance. Failure to delineate the 75% development restricted area results in forfeiture of the owner's right to use the INCREASED DENSITY OPTION in the future. Unless the development restricted area has been delineated, all future subdivisions of the original parcel must average of 50-acres or more.

Lots Crossed by District Boundaries

If a lot lies in more than one district, each part of the lot shall be governed by the regulations of the district in which such part falls. At the option of the landowner, the lot may be governed wholly under the more restrictive district.