

Town of Goshen Planning Board Application for Open Space Development

Section VII of the Goshen Subdivision Ordinance, "Open Space Developments," enables and encourages flexibility of design in single-family subdivisions in the Town of Goshen. Instead of subdividing an entire tract into lots meeting the minimum lot size otherwise required by the Zoning Ordinance, a similar number of dwelling units or buildings may be clustered on lots or building sites of reduced dimensions, with the remaining land conserved as open space.

The reduced size of building sites should enable an open space development to do the following, all in accordance with the objectives of the Town's Master Plan:

- Promote the most appropriate use of land
- Facilitate economical and efficient provision of public services
- Allow land use patterns which preserve trees, outstanding natural topography, and geological features, and prevent soil erosion
- Preserve the natural and scenic qualities of the open land in the Town for conservation and recreation

If you are applying for an "Open Space Development," please complete Parts I and II of this application form and submit it with your standard subdivision application. In addition, please supply the information that is specified in Part III of this application form.

Note: An open space development requires subdivision approval by the Planning Board, regardless of whether any lot lines are created, or what form of ownership is contemplated. The Building Inspector, or such other person as designated by the Board of Selectmen, may issue a zoning permit after the Planning Board has approved the final plat under the Goshen Subdivision Regulations.

Part I: Applicant Information

Name of property owner: _____ Telephone: _____

Mailing address: _____

Name of applicant or agent: _____ Telephone: _____
(If other than owner)

Mailing address of applicant or agent: _____

Street location of subdivision or construction _____

Tax Map: _____ Lot Number: _____

Part II: Requirements of Zoning Ordinance Section VII

As part of any application for an open space development, you must satisfy the specific requirements of Zoning Ordinance Section VII.

Requirement VII.D: Area and Dimensional Requirements

1. Overall acreage of the tract on which open space development will take place:
_____ acres. *(Tract size must be 12 acres or more)*
2. Closest distance of any proposed building to a right-of-way line of any exterior street:
_____ feet. *(Distance must be 50 feet or more)*
3. Closest distance of any proposed building from any other exterior tract boundary:
_____ feet. *(Distance must be 30 feet or more)*
4. Closest distance from any proposed occupied building to any other occupied building:
_____ feet. *(Distance must be 50 feet or more, unless specific approval is granted by the Planning Board based on the size or quality of proposed open space.)*

Requirement VII.E: Density

1. Number of dwelling units that are proposed as part of the open space development:
_____ units. *(The number may not exceed that which would be permitted for a conventional development on the same tract of land under other provisions of the Zoning Ordinance, unless specific approval is granted by the Planning Board. The Planning Board may in its discretion grant a density bonus of no more than 20% based on exceptional quality of proposed open space.)*
2. To calculate the maximum number of dwelling units that could be permitted for a conventional development on the same tract of land, you will need to consider the following information:
 - a. Number of acres which have a slope of over 25%: _____ acres
 - b. Number of acres which have a slope between 15% and 25%: _____ acres
 - c. Number of acres of wetlands or otherwise unproductive land: _____ acres
3. Maximum number of units that are proposed to be constructed in any one building:
_____ units. *(Zoning Ordinance Section III.B.4 specifies that three apartment units shall be the maximum allowed for any one building unless a special exception has been granted by the ZBA. Notwithstanding this provision, as part of an open space development, the Planning Board may approve buildings with more than three dwelling units, provided that overall tract density does not exceed the maximum otherwise permitted by Section VII.E.)*

Requirement VII.F: Open Space

1. Number of acres which are proposed to be conserved as open space, free of any structures, roads, pavement, or parking areas, and devoted solely to agriculture, forestry, conservation, or recreation: _____ acres.
2. This acreage represents _____ percent of the overall tract size. *(A minimum of 65 percent of the overall tract size must be conserved as open space.)*

Requirement VII.G. Open Space Evaluation

The Planning Board will evaluate the layout of the proposed open space development in light of the natural features of the tract and its environment, to assure that the open space parcel provides a public benefit. The Board will not approve the layout if there exists a clearly feasible alternative which would yield a significantly improved open space public benefit, yet still meet the applicant's permitted development objectives.

See Zoning Ordinance Section VII.G for criteria on which the Planning Board will evaluate the "public benefit" of open space land.

Part III. Additional Documents Required with Application

As part of any application for an open space development, you must provide the following information in addition to standard application requirements:

1. A plan sheet that includes the following items:
 - a. Location of each building, or building envelope representing the siting limits for each building. *(Area and dimensional requirements specified Zoning Ordinance Section VII.D shall be observed.)*
 - b. The number of dwelling units to be created in each building. *(No more than three dwelling units may be created in any given building without Planning Board approval.)*
 - c. Area(s) that will be conserved as open space.
2. A written statement that details the public benefit that the open space acreage will provide. *(See Zoning Ordinance Section VII.G for criteria on which the Planning Board will evaluate the "public benefit" of open space land.)*

3. A conservation easement deed that is executed from the landowner to the Town of Goshen. The deed must include:
 - a. Restrictions stating that the open space must be free of any structures, roads, pavement, or parking areas and must be devoted solely to forestry conservation, or recreation.
 - b. Any additional use restrictions material to the public benefit.

As specified in Zoning Ordinance Section VII.F, this deed shall be reviewed by the Town's attorney at your expense. Note that so long as the conservation easement to the Town is adequate, no particular legal relationship between the ownership of the open space parcel and the ownership of the developed units, by way of covenants, ownership association, or otherwise, shall be required.