

EXECUTIVE SUMMARY

OSP ARTICLE

The primary purpose of the Open Space Preservation (OSP) article is to help retain Dover's rural character by encouraging residential developments to include a component of open space. It would accomplish this by allowing some flexibility in the dimensional requirements of the Zoning Bylaw by special permit. As a condition of such a special permit, 50% of the land area of the parcel(s) must be preserved as permanently protected open space.

The bylaw will not just preserve open space, but will protect Dover's most important natural resources through a four-step design process that requires identification of resources on a site to be preserved as the first step before lots lines and locations of roads and houses are determined. The open space would be conveyed to the Town, to a non-profit entity whose mission is the preservation of open space, or to a homeowners association of the residents of the development.

In addition to protecting open space, the bylaw also protects property owners and property values:

The bylaw is voluntary, so it creates an open space option but does not preclude conventional development. The bylaw does not change the number of building lots relative to conventional development. It does not allow more density and does not require less. A conventional subdivision plan to document the number of lots that could be developed on the property must be submitted and approved by the Planning Board in order to establish the number that may be developed under an OSP.

To accommodate the 50% of open space with the same number of building lots, the bylaw allows flexibility from the normal dimensional requirements of the R-1 and R-2 districts, including smaller lot sizes. However, the bylaw requires all lots to be at least 1 acre in size. The bylaw also requires 100-foot buffers from adjacent residential property lines. Conventional setbacks can be as little as 30 or 40 feet, depending on zoning district. The bylaw allows shared driveways in open space developments to reduce the amount of roadway and impervious surface. However, shared driveways explicitly cannot be used to open land to development which cannot otherwise be developed under Dover's existing Zoning Bylaw.

All other bylaws and regulations that govern development, including all Conservation Commission and Board of Health requirements still must be met. The bylaw explicitly includes all relevant Town boards in the special permit process to assure a thorough review and full compliance with all Town bylaws and regulations before the special permit for an open space development is approved.

While the bylaw does not have a minimum size requirement, open space development will be most feasible for parcels of several (e.g., four or more) acres. There are presently more than 270 such parcels in Dover, totaling about 3200 acres, or about a third of the Town's land area which are not permanently protected and may be fully developed without preserving any of the existing open space. Most such parcels are located along Dover's designated Scenic Roads. While not all of these will be suitable for, or will choose to be developed under the bylaw, if 2/3 of those acres are developed under OSP, more than 1000 acres of existing open space will be permanently protected. In many cases, these new open spaces will provide connections between existing open spaces, preserving wildlife migratory corridors and providing the opportunity for trail connections. At a minimum, the bylaw will give Dover a new option to help protect its remaining natural resources and view sheds which otherwise may be lost, as existing open space is carved into 1 and 2 acre building lots under conventional zoning.