

AGENDA  
CONSERVATION COMMISSION MEETING  
APRIL 2, 2018 - 5:15 P.M.  
TOWN HALL ANNEX, 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 3

- I. ROLL CALL
- II. APPROVAL OF MINUTES
  - 1. March 5, 2018\*
- III. PUBLIC COMMUNICATIONS
- IV. ITEMS OF BUSINESS
  - 1. Rhode Island zoning/conservation regulations (Larry Dunn)
  - 2. Continue Conservation Plan update and review action items from previous meeting
- V. ACTION ITEMS
- VI. REPORT OF CHAIRMAN
- VII. REPORT OF STAFF
- VIII. ADJOURNMENT

Next Meeting: May 7, 2018

\*Enclosed

CONSERVATION COMMISSION MEETING  
MARCH 5, 2018 - 5:15 P.M.  
TOWN HALL ANNEX, 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 3

The meeting was called to order at 5:16 pm.

I. ROLL CALL

In attendance: Rafferty, Frost, Dunn, Fitzpatrick, Finco, Dunphy, Newbury  
Staff: Allen  
Guests: Zell Steever, Councilwoman Rachel Franco

II. APPROVAL OF MINUTES

1. February 5, 2018

MOTION: To approve the minutes of February 5, 2018 as written.

Motion made by Frost, seconded by Dunn. Motion passed 6-0-1 (Newbury abstained).

III. PUBLIC COMMUNICATIONS

Zell Steever of 81 main St. addressed the Commission concerning the rewrite of the Town Zoning Regulations. Mr. Steever spoke about the importance of mixed use zoning for the "Downtown Groton" area and implored the Commission to support such rezoning. Mr. Steever also spoke on the problem of sea level rise and the need for the further incorporation of coastal resiliency measures into the new zoning regulations.

Rachael Franco, Groton Town Councilor, introduced herself to the Commission and explained that she was a new council member and was attending meetings of the various town commissions, boards, and committees to get a sense of their work. The Commission welcomed Ms. Franco, introduced themselves, and explained briefly its history and charge, as well as its current task of updating the Town's Conservation Plan.

IV. ITEMS OF BUSINESS

1. Continue Plan of Conservation rewrite and review action items from previous meeting.

Dunn talked about his economic value model and an analysis he completed for the Merritt Family Farm property. Rafferty spoke on the importance of stewardship and the incorporation of such elements into the Conservation Plan. Frost, Finco, and Fitzpatrick voiced their desire to focus on producing draft text for the plan update.

V. ACTION ITEMS

Frost will compose a checklist. Dunn will scan and convert primary documents. Fitzpatrick will provide a summary of the economic model. Finco will pull open space elements from the POCD. Dunphy will draft an introduction.

Frost left at 6:35.

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VI. REPORT OF CHAIRMAN

Rafferty brought to the attention of the Commission the situation concerning the land swap of Boulder Heights for the Merritt Property. Staff provided maps for each property and he and Rafferty explained that conservation/open space deed restrictions were placed on the Merritt property when it was acquired by the Town. Those conservation/open space deed restrictions are proposed to be transferred to another Town-owned property (Boulder Heights) in order for the new Middle School to be built on the Merritt property. There has been some concern raised in Town as to the appropriateness of the land swap. Rafferty described his visit to Boulder Heights—highlighting the dramatic terrain, wetland features, and potential for trails—and asked the Commission members to visit the property in order for the Commission to come up with its own consensus on the matter.

Fitzpatrick left at 7:25 p.m.

VII. REPORT OF STAFF - None

VIII. ADJOURNMENT

MOTION: To adjourn the meeting at 7:35 p.m.

Motion made by Dunphy, seconded by Dunn. Motion passed unanimously.

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Deborah Finco, Secretary  
Conservation Commission

Prepared by Matthew Allen  
Planner I

Next meeting: April 2, 2018

## NORTH KINGSTON, RI CONSERVATION DEVELOPMENT REGULATIONS

### Sec. 21-211. - Purpose of article.

The purposes of conservation developments are:

- (1) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, wetlands, aquifers and their recharge areas, and agricultural lands, by setting them aside from development;
- (2) To preserve historical and archaeological resources;
- (3) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
- (4) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained;
- (5) To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally important resources as set forth in the comprehensive plan;
- (6) To provide reasonable incentives for the creation of a greenway system within the town;
- (7) To implement adopted land use, transportation and community service policies, as set forth in the comprehensive plan;
- (8) To protect areas of the town with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;
- (9) To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
- (10) To provide for the maintenance of open land set aside for active or passive recreational use, stormwater drainage or conservation lands;
- (11) To conserve and create scenic views and preserve the rural character of the town;
- (12) To provide a buffer between new development and existing streets and neighborhoods.

(Ord. No. 06-06, § 4, 4-10-2006)

### Sec. 21-212. - Applicability.

- (a) The planning commission may approve, as a land development project, a conservation development only in the following zoning districts: VLDR200, LDR120, RR80, NR40, VR20 and PVD.
- (b) Administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development shall not be required to be developed as a conservation development.
- (c) In accordance with the standards set forth in article IX of the zoning ordinance, the planning commission may not require that any major or minor subdivisions or land development projects be developed as a conservation development, whether a subdivision or not. Applications for a major or minor conventional subdivision shall be at the discretion of the applicant.
- (d) The planning commission shall not require an application for a residential compound to be submitted as a conservation development. Applications for approval of a residential compound shall be at the discretion of the applicant, subject to the provisions of article XVII of this chapter, and in

accordance with the procedures and standards set forth herein for minor or major land development projects.

(Ord. No. 06-06, § 4, 4-10-2006)

Sec. 21-213. - Permitted uses.

The following uses are permitted (P) in a conservation development:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Townhouses, up to a maximum of four (4) dwelling units per building.
- (4) Uses customarily accessory and subordinate to residences.
- (5) Community centers, recreation facilities and similar structures designed for the use of the residents of the conservation development, and their guests.

(Ord. No. 06-06, § 4, 4-10-2006)

Sec. 21-214. - Maximum density for conservation developments.

The maximum density for a conservation development shall not exceed the number of lots (or dwelling units) which could reasonably be expected to be developed upon the conservation development site under a yield plan as defined in section 21-22 herein. The planning commission shall make this determination in accordance with the following procedure.

- (1) The basic maximum number of dwelling units allowed on a parcel of land proposed for development as a conservation development is defined as the maximum number of dwelling units that could reasonably be expected to be developed as a conventional subdivision upon that parcel under a yield plan as defined herein. The applicant for approval of a conservation development shall have the burden of proof with regard to the reasonableness and feasibility of the design and of the engineering specifications for such yield plan; provided, however, that the planning commission's determination of the basic maximum number shall be conclusive.
- (2) Yield plans shall be prepared by the applicant as conceptual layout plans in accordance with the pre-application checklist (checklist B, subdivision and land development regulations). Yield plans shall show proposed streets, lots, rights-of-way, land unsuitable for development and other pertinent features. Although the yield plan must be drawn to scale, it need not be based on a field survey, nor shall it include field verified wetlands. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of land unsuitable for development as defined in section 21-22, existing easements or encumbrances and the suitability of soils for subsurface sewage disposal.
- (3) The yield plan shall also reflect the dimensional standards for uses being proposed, as contained in article IV, dimensional regulations, and table 2A-2C, or other applicable dimensional requirement of this zoning ordinance. The yield plan must identify how conventional lots or uses could be developed having the required area not including land unsuitable for development, frontage and other dimensional requirements of the zoning ordinance.
- (4) On sites served by individual sewage disposal systems (ISDS), density shall be further determined by evaluating the number of dwelling units or other uses that could be supported by ISDS on lots in a conventional subdivision. Lots or dwelling units shown on a yield plan shall not include dwelling units proposed to be serviced by an ISDS that requires the granting of a variance by the state department of environmental management. The planning commission

shall determine the suitability of the parcel to be developed as a conventional subdivision, based on the soils information provided by the applicant, upon observations mad during the site visit to the property, and/or upon other evidence available to the commission at any time during the development review process.

- (5) At the pre-application stage of review, the planning commission shall discuss the basic maximum number of lots/dwelling units permitted in a development. This initial determination shall not be binding upon the commission or applicant, but shall provide guidance and direction to the applicant regarding the maximum number of lots or dwelling units that appear to be feasible, taking into account the physical constraints to development present on the site. The applicant shall use this initial determination as the basis for submission of more detailed information during subsequent stages of review. Upon further investigation and upon receipt of more detailed soils and environmental information as may be provided in subsequent stages of review, the planning commission may increase or reduce the number of lots/dwelling units contained in the initial basic maximum number. For all developments, the final basic maximum number shall be made at the final stage of review.
- (6) In developments that require alteration to be made to freshwater wetlands, the commission may establish an initial basic maximum number contingent upon confirmation by the state department of environmental management that such alterations are permitted under the provisions of the Freshwater Wetlands Act.
- (7) Accessory dwelling units shall be excluded from the determination of the number of dwelling units allowed under a yield plan and shall not be counted as dwelling units in the determination of development to subsequently be permitted, whether the conservation development was approved before or after adoption of this provision. Provided, however, that the maximum number of permitted dwelling units in the conservation development site shall not be increased by a factor of more than 1.5 above the basic maximum number where granted a zoning incentive as provided in section 21-215.

(Ord. No. 06-06, § 4, 4-10-2006; Ord. No. 07-23, § 5, 9-24-2007)

Sec. 21-215. - Zoning incentives.

The planning commission may award a zoning incentive so as to increase the number of dwelling units in a conservation development beyond the basic maximum number; provided, however, that the maximum number of permitted dwelling units in the conservation development site shall not be increased by a factor of more than 1.5. An incentive may be awarded in the following circumstances:

- (1) The number of single household dwelling units in townhouses only having one or fewer bedrooms, including so-called "studio units" may be increased by a factor of 1.5 for the purpose of calculating the basic maximum number; and/or,
- (2) The number of single household dwelling units in townhouses only having a maximum of two bedrooms may be increased by a factor of 1.5 for the purpose of calculating the basic maximum number; and/or
- (3) Where the planning commission determines that occupancy of the dwelling unit in the conservation development is limited to adults 55 years of age or older, subject to the exceptions set forth in the Federal Fair Housing Act, the Basic Maximum Number of permitted dwelling units in the development may be increased by a factor of 1.5; and/or,
- (4) Where the planning commission determines that the amount of open space area provided in the entire conservation development exceeds the minimum amount as provided in the subdivision and land development regulations, the basic maximum number of permitted dwelling units in the development may be increased by a factor in accordance with the following table:

Amount of Open Space Provided	Permitted Increase in Density
More than 10 to 20 percent more than minimum	Factor of 1.05
More than 20—50 percent more than minimum	Factor of 1.1
More than 50 percent above minimum	Factor of 1.15

- (5) The planning commission may determine that an existing dwelling which is currently located on the property being developed should be preserved for any of the following purposes: maintenance of historic or traditional development patterns; preservation of streetscape features; maintenance of building placement, setback and alignment on the site; preservation of historic structures that contribute to the character of an area; design of public or common open space; or other design or site planning issues identified in the comprehensive plan.

In such cases, the planning commission may allow the applicant to exceed the basic maximum number of permitted dwelling units in the development by one. Any dwelling granted a zoning incentive under the provisions of this section shall be subject to deed restrictions prohibiting the removal or alteration of the dwelling except as may be approved by the planning commission as a condition of approval. This dwelling may contain more than two bedrooms.

- (6) Zoning incentives pursuant to this section shall not be permitted in a groundwater overlay district.

In computing the number of incentive dwelling units, all figures shall be rounded down. Except as provided in subsection 21-215(e) above, dwelling units qualifying as incentives herein shall be subject to deed restrictions approved by the planning commission's legal counsel limiting the number of bedrooms to two or less.

(Ord. No. 06-06, § 4, 4-10-2006; Ord. No. 07-23, § 6, 9-24-2007)

Sec. 21-216. - Lot dimensional requirements.

A conservation development may be developed with dwelling units on separate lots, a single lot, or a combination thereof. Where dwellings are proposed to be located on individual lots, the following minimum dimensional regulations shall be applicable to dwellings within a conservation development.

Lots utilizing town water shall meet the following minimum requirements:

Use	Lot Area (sq ft)	Lot Frontage and Width (ft.)	Front Yard Depth (ft.)	Rear Yard Depth (ft.)	Side Yard (each side) (ft.)
Single-family dwelling	10,000	20	25	30	10
Two-family dwelling	15,000	20	25	30	10

3—4-family household dwelling	30,000	20	40	40	20
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Lots not utilizing Town Water shall meet the following minimum requirements:

Use	Lot Area (sq ft)	Lot Frontage and Width (ft.)	Front Yard Depth (ft.)	Rear Yard Depth (ft.)	Side Yard (each side) (ft.)
Single-family dwelling	15,000	20	25	30	10
Two-family dwelling	20,000	20	25	30	10
3—4-family household dwelling	30,000	20	40	40	20

*Accessory structures in a conservation development.*

Lots utilizing town water shall meet the following minimum requirements:

Use	Front Yard Depth (ft.)	Rear Yard Depth (ft.)	Side Yard Depth (ft.)
One-story accessory structure*	30	15	5
Two-story accessory structure*	30	20	7.5

\*No accessory structures shall be located in front of the principal structure except by special use permit.

Lots not utilizing town water shall meet the following minimum requirements:

Use	Front Yard Depth (ft.)	Rear Yard Depth (ft.)	Side Yard Depth (ft.)
One-story accessory structure*	30	15	5
Two-story accessory structure*	30	20	7.5

\*No accessory structures shall be located in front of the principal structure except by special use permit.

*Note:* The density and dimensional requirements for conservation developments in the planned village district shall be as provided in section 21-64 of this chapter.

(Ord. No. 06-06, § 4, 4-10-2006; Ord. No. 07-12, § 7, 6-11-07; Ord. No. 07-23, § 7, 9-24-2007)

Sec. 21-217. - Uses permitted within open space areas.

The open space in a conservation development shall be devoted only to conservation purposes or for park, recreation and agricultural purposes. Stormwater drainage areas and well placement may also be allowed if permitted by the planning commission in accordance with the subdivision and land development regulations.

- (1) Uses permitted within the open space of a conservation design subdivision shall be in accordance with the development restrictions placed in the conservation easement that is to be granted to the town.

In addition, the following specific uses are permitted:

- a. Conservation of land and other natural resources;
- b. Agricultural uses, as provided in article III, land use table of this chapter. The prohibition of any such use (N) or the requirement to obtain a special use permit (S) as provided in this table shall apply;
- c. Privately owned and maintained wells for individual uses within the Conservation Development;
- d. Privately owned and maintained community wells for uses within the Conservation Development;
- e. Subdivision parks; and,
- f. Community centers, recreation facilities and similar structures designed for the use of the residents of the conservation development

Placement of individual sewage disposal systems (ISDS) within the open space shall be permitted only by the granting of a waiver from the requirements of the subdivision and land development regulations by the planning commission. The only grounds for such a waiver shall be where the literal enforcement of one or more of the provisions of the regulations is impractical and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver is in the best interest of good planning practice or design as evidenced by consistency with the comprehensive plan and this chapter.

Where ISDS and/or wells are proposed to be located within the open space area of a conservation development, the planning commission may, as a condition of approval, require that a capital fund be established to cover future maintenance of these utilities. The commission shall set the requirements for this capital fund to be administered by a home owners' association, by individual lot or dwelling unit owners, or other organization approved by the commission.

(Ord. No. 06-06, § 4, 4-10-2006)

Sec. 21-218. - Open space in conservation developments.

- (a) The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.
- (b) The minimum amount of required open space area shall be based on a percentage of the land suitable for development in the entire conservation development as provided in the table below.

None of the minimum required open space area shall include land unsuitable for development as defined in article I, section 21-22.

Zoning District	Minimum Amount of Required Open Space
VLDR/200	75%
LDR/120	65%
RR/R80	60%
NR/R40	50%
VR/R20	35%
PVD	30%

- (c) This minimum required area shall be in addition to any open space used for stormwater drainage facilities. Provided, however, that the planning commission may allow stormwater drainage facilities to count toward the minimum required open space area if it finds that the drainage areas are designed as a fully integrated part of an overall open space landscape plan which incorporates trails, active or passive parks, landscaped site features, streambelts or greenways, and are designed to facilitate infiltration and recharge of water, and that such facilities are not in conflict with the intent and purpose of a conservation development as stated in article 13.2 of the subdivision and land development regulations, or with the general purposes of these regulations.

Where stormwater drainage facilities are approved by the commission to be located within common open space areas, the commission shall require legal documents to be recorded along with the approved plat that clearly specify maintenance responsibilities. In addition, the applicant shall prepare for approval by the commission a maintenance plan for the facilities as part of the open space use and management plan as provided in article 13.12.a of the subdivision and land development regulations.

- (d) Open space provided by a conservation development for public or common use, shall either:
- (1) Be conveyed to the town and accepted by the town for park, open space, agricultural, or other permitted use or uses; or
  - (2) Be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or
  - (3) Be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the conservation development or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units; or
  - (4) Remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the comprehensive plan and zoning ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources. The planning commission may limit the amount of open space that may

remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the comprehensive plan.

- (e) In any case where the land is not conveyed to the town, a restriction, in perpetuity, enforceable by the town or by any owner of property in the land development project in which the land is located shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed.

In addition, in any case where the land is not conveyed to the town, the development rights and other conservation easements on the land may be held, in perpetuity, by a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection.

- (f) Buildings, structures, parking areas or other impervious improvements which are accessory to and subordinate to a permitted open space use, may be located on any open space lot provided that, in all cases, they occupy no more than five percent of the total open space area of the conservation development.
- (g) All open space, regardless of whether it is conveyed to the town, shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the town, pursuant to RIGL tit. 34, ch. 39, as amended. In addition, the perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions and by the grant of a conservation or preservation restriction to the town, pursuant to RIGL tit. 34, ch. 39, as amended. The planning commission or administrative officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain the open space, the town may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."

(Ord. No. 06-06, § 4, 4-10-2006)

Sec. 21-219. - Buffer areas.

The planning commission may require a vegetated buffer between new development and existing streets, neighborhoods, active farmland, adjacent park or conservation land, or other surrounding uses or areas in accordance with the following standards:

If property abutting the proposed conservation development contains developed residential building lots, or if there are existing residential structures within 100 feet of the perimeter of the conservation development, the following conditions shall apply:

- (1) Structures in the conservation development must be located to meet at least the minimum rear yard setback as provided in section 21-216, and,
- (2) A permanent buffer along the perimeter of the conservation development shall be established, providing for the preservation of existing trees or other vegetation or for the planting of new vegetation having adequate density, height and type of vegetation, in order to provide an all-season visual and audio screen between the conservation development and adjacent land uses. This buffer may be provided in either of two alternative forms, to be determined by the planning commission:
  - a. A separate open space lot or lots as provided in section 21-218 above, entitled "open space in conservation developments;" or,
  - b. A permanent easement along the perimeter of the conservation development to be located along the rear or side property line of the proposed lot or lots that abut the perimeter of the conservation development. Said easement shall run in favor of the town and shall be for

conservation or open space purposes only. Where such easements are located on privately owned lots, they shall not be counted toward the minimum required open space area.

- (3) The width of the required perimeter buffer shall be at least 50 feet provided, however, that the planning commission may reduce this width to a minimum often ten feet. In making this determination, the planning commission shall consider the following factors:
- a. The nature of adjacent land uses existing at the time of master plan review (or preliminary review for a minor subdivision or land development project);
  - b. The nature of proposed or projected future land uses on adjacent property;
  - c. The physical characteristics of adjacent property (e.g., wetlands, slopes, stone walls, etc.);
  - d. The ownership of adjacent property (e.g., private, public, non-profit conservation, etc.);
  - e. The zoning of adjacent property;
  - f. The land use classification of adjacent property as provided on the comprehensive plan land use plan map.

If lots on the outer perimeter of the proposed conservation development are not contiguous to developed residential building lots outside the conservation development, the planning commission shall determine if a buffer is required.

Lots on the outer perimeter of the proposed conservation development, which are directly adjacent to a public street, must be separated from said public street by a thickly wooded buffer or screen of at least 100 feet in depth along the entire street frontage, except for any necessary access streets. On sites where there is little or no existing vegetation along an existing public street, consideration shall be given to creation of a new parallel street separated from the existing public street by a foreground meadow as described in the subdivision and land development regulations.

If development within the conservation development is such that individual building lots are not being created (i.e., subdivision) but that buildings are proposed to be located on a single lot (i.e., condominium) or combination thereof, the provisions stated above with regard to buffer areas shall be interpreted to apply to the setback, screening and location of individual buildings.

(Ord. No. 06-06, § 4, 4-10-2006)

Sec. 21-220. - Previously approved cluster developments.

Nothing contained in this article shall affect the validity of any cluster development which was given final approval by the decision of the planning commission prior to January 11, 1982, and the validity of and uses permitted within such a cluster development shall be governed by the ordinances that were in effect on the date that such final approval was given only if the approved plat or plan and legal documents concerning such development were or are recorded in the records of land evidence of the town no later than six months after January 11, 1982. Furthermore, nothing contained in this article shall prevent the planning commission from giving final approval to any cluster development to which the planning commission gave preliminary approval prior to November 23, 1981. If such final approval is given by the planning commission, the validity of and the uses permitted within such a cluster development shall be governed by the ordinances that were in effect on the date that such preliminary approval was given only if the approved plat or plan and legal documents concerning such development or compound are recorded in the records of land evidence of the town no later than one year after January 11, 1982.

(Ord. No. 06-06, § 4, 4-10-2006)

Sec. 21-221. - Dimensional requirements for previously approved cluster developments.

(a) *Density*. The total number of residential dwelling units permitted on any cluster development shall be equal to the number of units allowed at the time of approval by the planning commission. Accessory structures including accessory dwelling units shall be permitted in accordance with article III, land use table, and section 21-325(7) and (16) as applicable.

(b) *Dimensions*. The minimum lot dimensions shall be in accordance with the following table:

Zoning District	Type of Unit			
	Single-Family Detached	Two-Family Detached	One-Story Accessory	Two-Story Accessory
Rural Residential				
Lot size (square feet)*	20,000	30,000		
Front (feet)	50	50		
Lot yard (feet)	15	15	10	15
Neighborhood Residential				
Lot size (square feet)*	15,000	20,000		
Front (feet)	50	50		
Lot yard (feet)	10	10	10	15
Village Residential				
Lot size (square feet)*	12,000	14,000		
Front (feet)	50	50		
Lot yard (feet)	10	10	10	15
Very Low Density Residential				
Lot size (square feet)*	40,000	—		
Front (feet)	50	—		

Side yard and rear yard (feet)	25	—	20	25
Low Density Residential				
Lot size (square feet)*	30,000	—		
Front (feet)	50	—		
Side yard and rear yard (feet)	25	—	20	25

(Ord. No. 10-06, § 3, 4-26-2010)

Secs. 21-222—21-240. - Reserved.

**Chapter 18.41 CONSERVATION DEVELOPMENTS**

- 18.41.010 Purpose.
- 18.41.020 Maximum density for conservation development.
- 18.41.030 Required open space.
- 18.41.040 Zoning incentives.
- 18.41.050 Modification of lot requirements.
- 18.41.060 Uses permitted within open space areas.
- 18.41.070 Agricultural overlay district.

**18.41.010 Purpose.** The purposes of this chapter are:

- A. To conserve large contiguous areas of open land;
- B. To preserve historical and archaeological resources and scenic views;
- C. To provide greater design flexibility and efficiency in siting of buildings and infrastructure in order to reduce length of streets and the amount of impervious surfaces;
- D. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of residential preferences, so that the population diversity of the community may be maintained;
- E. To implement municipal policies to conserve a variety of irreplaceable and environmentally important resources identified in the comprehensive plan;
- F. To provide reasonable incentives for the creation of greenway systems;
- G. To implement land use, transportation and community service policies identified in the comprehensive plan;
- H. To protect areas with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations; and
- I. To create neighborhoods with direct visual and physical access to open land.  
(Ord. dated 9-2-03 (part); ord. dated 11-19-13)

**18.41.020 Maximum density for conservation development.** The maximum residential density in a conservation development shall not exceed the density that would be permitted by a yield plan, as that term is defined in the land development and subdivision regulations, plus any incentive dwelling units and any dwelling units required by Chapter 18.18 of this Title.  
(Ord. dated 9-2-03 (part); ord. dated 5-2-06; ord. dated 11-19-13)

**18.41.030 Required open space.** Every conservation development shall include open space. Except in the Agricultural Overlay District, the open space shall be a separate lot. The minimum size of the open space lot is based on the amount of land suitable for development in the parcel, as shown in the table below.  
(Ord. dated 6-16-15)

Zoning District	Open space as a percentage of land suitable for development
Agricultural Overlay	75%
R-3	65%
R-2	60%
R-1	50%
G.B. L.I., I.,PD, SV.	10%

**18.41.040 Zoning incentives.**

- A. The Planning Board may increase the residential density of a conservation development where the developer has provided at least 20% (twenty percent) more open space than the minimum required, and where the additional open space would benefit the conservation goals of the town by:
  - 1. providing more contiguous open space, or
  - 2. protecting the rural character of the town, or
  - 3. reducing the amount of infrastructure needed, or
  - 4. preserving a specific natural, historical, or environmental feature, or
  - 5. reducing development in a state-designated wellhead protection area.

The burden is on the subdivider to prove to the Planning Board that the conservation development with a density bonus would be a benefit to the town.

- B. Density bonuses shall be determined according to the following table. All figures shall be rounded down to the nearest whole number:

Amount of open space provided beyond minimum	Density multiplier
20% to 29%	Factor of 1.05
30% to 39%	Factor of 1.1
40% or more	Factor of 1.15

C. No conservation development in an aquifer overlay district shall be eligible for a density bonus. (Ord. dated 9-2-03 (part); ord. dated 5-2-06; ord. dated 11-19-13; Ord. dated 6-16-15)

**18.41.050 Modification of lot requirements.**

A. Lot size, shape, and other dimensional characteristics may be modified to conform more closely to the natural features of the land. The following minimum dimensional regulations shall apply:

Use	Lot area (sq. ft.)	Frontage (feet)	Front yard (feet)	Rear yard (feet)	Side yard (feet)	Side, rear yard depth - accessory structures (feet)	Maximum bldg. coverage
Single family	10,000	80	25	30	10	10	20%
Two family	15,000	80	25	30	10	10	20%
Multi-family	30,000	100	40	40	20	10	20%

B. The planning board may approve a reduction in the frontage of any lot to a minimum of twenty (20) feet. On such a lot, front yard depth is measured from the reduced frontage line. The preliminary plan approval shall identify the lot or lots with reduced frontage and shall include a finding that the reduction is appropriate to the site and the subdivision design.

C. The maximum building heights for principal and accessory structures in a conservation development are those of the underlying zoning district. (Ord. dated 9-2-03 (part); ord. dated 11-19-13; Ord. dated 6-16-15)

**18.41.060 Uses permitted within open space areas.** The open space in a conservation development shall be used for passive or active recreation or for agricultural purposes, or shall be preserved as a conservation area. Stormwater drainage areas, on-site wastewater treatment systems and wells may be located in open space if the planning board finds that the location of the facility is compatible with nearby uses. (Ord. dated 9-2-03 (part); Ord. dated 9-7-10; Ord. dated 11-19-13; Ord. dated 6-16-15)

**18.41.070 Agricultural overlay district.** Conservation developments in the agricultural overlay district shall satisfy all the requirements of Chapter 18.46 of this Title and the corresponding requirements of the land development and subdivision regulations. If more than one farm is created, one must be least twenty-five (25) acres. Additional smaller open space lots may be created if they are necessary to accommodate stormwater management features, fire cisterns, or particular site conditions. (Ord. dated 9-7-10; Ord dated 11-19-13; Ord. dated 6-16-15)

**REFERENCES**

R.I. Gen. Laws § 45-24-33(b)(1), § 45-24-47; Code ch. 18.46; §18.20.010; §18.20.030; land development and subdivision regulations § 4.1.

6.4 Open Space Subdivisions (Eff: 6/1/91; Rev. Eff: 5/1/15)

6.4-1 Purpose

Development under this provision is optional and is intended to promote imaginative, well designed subdivisions which preserve open space, respect the physical qualities of the land, and reduce the overall development costs of a subdivision. The Planning Commission shall approve a residential Open Space Subdivision in the RS, R and RU districts, provided the following conditions are met:

6.4-2 Land Area

The minimum land area required for an Open Space Subdivision shall be 10 acres.

6.4-3 Permitted Dwelling Units

The total number of dwelling units permitted in the Open Space Subdivision shall be determined by dividing the total land area of the site minus the 20% open space requirement by the minimum lot area required for the applicable zoning district in Section 5.2.

6.4-4 Permitted Uses

In RS districts, only single family detached homes shall be permitted. Duplex units are permitted in R and RU districts where lot area is provided as required below. Mobile homes having as their narrowest dimension less than 22-feet wide shall be permitted in Open Space Subdivisions. No more than 50% of all homes in an Open Space Subdivision shall be mobile homes having as their narrowest dimension less than 22-feet wide.

6.4-5 Minimum Lot Area

In an Open Space Subdivision, the minimum lot area per dwelling and the minimum useable lot area exclusive of wetlands, and slope in excess of 15%, shall be determined by the applicable zoning districts as follows:

Zoning Districts	Minimum Lot Area (sq. ft.)		Minimum Useable Lot Area (sq. ft.) Per Dwelling Unit
	Single Family Unit	Two Family Unit	
RS-20	10,000	Not Permitted	5,000
RS-12	7,500	Not Permitted	4,000
RS-8	7,500	Not Permitted	4,000
R-20	10,000	15,000	5,000
R-12	7,500	12,000	4,000
RU-80	40,000	60,000	10,000
RU-40	20,000	30,000	10,000
RU-20	10,000	15,000	5,000

No development of land under this section shall take place unless the land is in fact subdivided into lots with each structure having a separate lot described on an approved subdivision plan.

6.4-6 Dimensional and Building Requirements (Rev. Eff. 5/1/15)

- A. Front yards shall be staggered to provide a maximum variety in the size of such yards. The minimum average of all front yards in the Open Space Subdivision shall be 25 feet, however no front yard of any lot shall be less than 18 feet.
- B. Side yards shall be a minimum of 10 feet each.
- C. Rear yards shall be a minimum of 30 feet.
- D. Lot frontage shall be provided pursuant to Section 4.2 of these regulations.
- E. There is a minimum 50' lot width requirement in Open Space Subdivisions.
- F. The maximum building coverage shall be 25%.

6.4-7 Open Space Lands

At least 20% of the gross area of the Open Space Subdivision shall be designated as common open space.

The plan shall provide for open space lands in a location deemed suitable by the Planning Commission as per the Town of Groton Subdivision Regulations.

6.4-8 Utilities

Community type water systems, designed to provide adequate water flows and approved by the water utility and fire chief, and community type sewer systems meeting the requirements and specifications of the Public Works Department shall be available and must be used.

6.4-9 Design Requirements

In addition to the site plan objectives set forth in Section 8.4-5, an Open Space Subdivision shall comply with the following specific design requirements:

- A. Within the subdivision, a variety of architectural styles shall be encouraged.
- B. Adequate foundation plantings shall be provided on each lot.
- C. Shade trees, in accordance with the specifications of Section 7.4-3 shall be provided along all streets.
- D. Driveways shall be covered with a surface of crushed stone or equal material compacted to a depth of 4 inches.
- E. Mobile homes constructed in an Open Space Subdivision shall be placed on a 6" thick reinforced concrete pad and anchored with tie downs.
- F. A minimum of 25% of all mobile homes, having as their narrowest dimension less than 22 feet, shall have their longest dimension facing the street.
- G. Mobile homes, having as their narrowest dimension less than 22 feet, shall comply with the following design standards:
  - 1. The main roof shall have sloping lines with a minimum of a 1:6 slope.
  - 2. The main roof shall appear to be shingled.

3. The exterior wall covering materials shall look like wood and/or masonry regardless of the actual composition.
4. If a solid concrete or masonry perimeter foundation is not used, exterior wall covering material shall extend to the ground.

## **Introduction**

It has been nearly a half-century since the first conservation plan was presented to the Town of Groton. Less than twenty years later, the town passed the 1988 Town of Groton \$8,000,000 Open Space Acquisition Program. This grant was used to procure eight parcels of open space land that remains open space to this day.

Communities large and small, all across the country, realize that the conservation of open space contributes to a town's character through the recreational benefits of leisure and exercise, as well as helping to provide clean air and clean water.

Along with enhancing the quality of life, conserving open space can provide some economic benefits to a town. Protected open space can raise the taxable value of an adjacent property, and is easier and less costly to maintain than the services required by any type of development.

The Town of Groton Conservation Commission's prime function is to oversee and protect the town's open space in an attempt to conserve them for future generations to enjoy. A plan exists to create greenways connecting the southernmost, coastal part of the town with the Town of Ledyard to the north. Such greenways would further enhance both the open space and recreational values of the Town of Groton, now and into the future.