

Proposed Open Space Amendments with Land Reservation Calculation Per Bedroom

§ 191-18 Public open space and protection of natural resources. [Amended 5-20-2009 STM, Art. 14]

The subdivider shall be required to reserve land for parks or playgrounds, or other recreational or open space facilities commensurate with the increased demands the proposed development will have on public facilities. Reserved land acceptable to the Board and developer shall be conserved through one of the following methods: permanent deed restriction under the bylaws of a Home Owner's Association, conservation easement that lists the Town or local land trust as the grantee, or the land may be deeded over to the Town or local land trust, with ~~C~~conservation restrictions shall appear as a condition of approval and the conserved land shall be shown on the plan as "Reserved for Conservation or Recreational Purposes." Where the Board determines that land proposed for set aside is not suitable, based on the standards in § 191-18A, B, or D, a payment-in-lieu of dedication shall be provided as further described in § 191-18C. The Planning Board may seek input from the Conservation Commission and Recreation Committee in determining the conservation and/ or recreational value of any proposed open space.

- A. Recreation. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or other recreational purpose. Each reservation shall be a minimum of two acres and shall be of suitable size, dimension, topography and soils and shall have adequate road access.
- B. Other. Other public uses, such as natural resource preservation, scenic vistas or traditional land uses, necessitating land reservation may be required as determined by the Board. Where alternative land development planning techniques make provisions for public or private use space, land dedication requirements may be waived by the Board.
- C. Payment-in-lieu calculation. Payments in lieu of Land-land reservations are calculated on the basis of ~~1,300 square feet of land per unit~~ \$650 per bedroom as of (date of amendment adoption). Be advised that this fee shall adjust annually on July 1st, and increase/decrease by the percentage demonstrated in the Consumer Price Index New England for the preceding twelve months. The applicant shall multiply the total number of units by the per unit land reservation amount (1,300 square feet per unit) to achieve the total square footage of land to be preserved. The total land reservation square footage shall be divided by 43,560 (1 acre) to determine the total acreage of land reservation. The applicant shall obtain from the Tax Assessor the current average per acre assessed value of single family residential land values within the Town of Topsham. This value per acre shall then be multiplied by the number of acres required for land reservation purposes. This will provide the payment-in-lieu fee shall be paid per dwelling unit at the time of building permit application, which shall be paid before final approval and shall be dedicated for conservation and/or recreational purposes. [Amended 5-20-2015 STM, Art. 11]
- D. In determining the need for such land and reviewing the location and appropriateness of an area reserved for park, playground, open space or other public purposes, the Planning Board shall consider:
 - (1) The presence, absence, or expansion of any existing open spaces, parks or playgrounds in the neighborhood;
 - (2) The conservation and protection of significant wildlife and natural or scenic resources;
 - (3) The protection of historic or archaeological sites;
 - (4) The meeting of neighborhood and/or community-wide recreational needs;

- (5) The focus areas identified in the Topsham Natural Areas Plan, with special consideration to those areas rated medium or higher in the "Town of Topsham Natural Areas Evaluation Matrix Analysis with Community Values"; [**Amended 5-16-2012 STM, Art. 11**]
- (6) Any plans adopted by the Parks and Recreation Committee.