

Section 19.0: FARMS, FORESTS & RIVERS OVERLAY DISTRICT (FFR)

Section 19.1 Purpose: To protect sensitive open space and ecologically important features, to preserve the farms, forests and river corridors of Northampton, and to allow landowners the ability to develop their property in a manner that is sensitive to these unique resources.

Section 19.2 Uses in the Farms, Forests & Rivers Overlay (FFR): Uses in the FFR are limited to any of the following:

1. Agriculture, horticulture and floriculture uses, educational uses, and child care facilities which are allowed as-of-right by Northampton Zoning ~~and~~ the Zoning Act (MGL 40A);
or
2. Development with a Special Permit issued under §11.4 - Open Space Residential Development (Cluster) or §11.5 - Planned Unit Development (PUD), provided however, that the Planning Board finds that the following conditions are met, to the maximum extent possible, before granting a Special Permit for a Cluster Development or PUD in the FFR District:
 - A. If all or a portion of the protected open space is or could be used for farmland, all buildings, roads, drainage systems, utilities and other development shall be laid out in a manner to provide the least disturbance to actual or potential farm operations, to minimize potential conflicts between agricultural and non-agricultural uses, and shall be located on the soils least suitable for the production of crops.
 - B. Open space shall be laid out to maintain views of agricultural lands and open space, and to maintain distant vistas across open space from both on and off the site.
 - C. Development shall be integrated into the existing landscape through the use of building placement, landform treatment, and visually compatible existing or new screening. When possible, development should be placed within existing woodlands and not in open fields, to preserve views and minimize visual impact.
 - D. No more than twenty-five percent (25%) of a parcel may be developed as building lots, roads, sewage disposal or drainage facilities, or other development and, where possible, all improvements shall be spatially concentrated to preserve the protected resources.
 - E. All site improvements shall be laid out and constructed to minimize environmental and other impacts on protected resources.
3. A driveway or road, whether serving properties inside or outside the FFR.
4. Non-commercial recreation facilities, with no more than twenty-five percent (25%) of the parcel developed as structures or impervious surface.

Section 19.3 - Transfer of Development Rights (TDR): The Planning Board shall grant an owner of land in the Farms, Forests and Rivers district a Special Permit to transfer the right to develop residential units from the FFR district (sending or donor parcels) to the Planned Village District (PV, see §10.15) or other receiving parcels as allowed by this Zoning Ordinance in accordance with the criteria below. The Planning Board shall base their decision on the criteria in this section and the requirements for Site Plan Review for the Sending Zone, not the Receiving Zone. The Special Permit criteria of §10.10(3) shall not apply.

1. The maximum number of dwelling unit development rights that can be transferred is the greater of the following:
 - A. The number of dwelling units allowed by a current valid Definitive Subdivision Approval or Open Space Residential Development (Cluster) or Planned Unit Development Special Permit issued for the sending parcel; or
 - B. Sixty percent of the number of dwelling units that could potentially be developed based on the maximum number of dwelling units allowed in a cluster, in accordance with §11.4(5)(A), and including deductions for wetlands but excluding deductions for roadways.
2. Development rights may not be transferred from land which may not be otherwise be developed for a residential subdivision because of ownership status, deed restrictions, easements, or prior transfer of development rights, including:
 - A. Land with conservation restrictions or agricultural preservation restrictions;
 - B. Land owned by a government agency for permanent park, agricultural or conservation purposes;
 - C. Land owned by a non-profit corporation, a principal purpose of which is conservation or preservation of open space or farmland;
 - D. Land where the development rights have already been transferred out of the parcel.
3. Transfer of Development Rights is contingent on placing a permanent Conservation Restriction or Agricultural Preservation Restriction, in accordance with the provisions of Mass. General Laws, on the land from which the development rights were transferred (sending parcel) and restricting the use of the land to agriculture, forestry, or undeveloped open space open for passive recreation only, or deeding the land to the City as permanent park or conservation land with no acquisition cost (but only with the consent of the City Council and the Conservation or Recreation Commission, as appropriate).
4. Development rights may be transferred from a sending parcel and held indefinitely before being assigned to a "receiving parcel." Development rights may be transferred by sale or other means and may subsequently be transferred to any owner of receiving parcels allowed by this Ordinance.