

08.00 CLUSTER DEVELOPMENT AND PLANNED UNIT DEVELOPMENT:

08.01 Cluster Development:

The Planning Board may grant a Special Permit for the 'creation' of a cluster development in any Residential District. The objective of a cluster development is to provide flexibility of design for non-transient residential development to allow better relation to natural features of the land. Lots may contain less than the minimum area, frontage, and/or front, side, and rear setbacks as prescribed in this Bylaw; provided that the following requirements are met:

- .01 The development shall contain ten (10) acres or more.
- .02 The number of dwelling units shall not exceed the number obtained by dividing the District lot area requirements of Schedule A into the land area of the development; excluding land previously precluded from development under the Wetlands Protection Act or other prohibitions, excluding land determined by the Planning Board to be unbuildable because of natural physical conditions such as topography, and excluding 15% of the remaining buildable land area.

No section, portion or geographic unit comprising five (5) or more acres within the development, shall exceed the density of dwelling units which would otherwise be permitted in the District in which the development is located. Density determination of irregularly shaped sections, portions or geographic units shall be based upon actual area. The density determination of the remainder shall be made by the single placement of a grid overlay which has been divided into five (5) acre squares.

- .03 Individual lots shall meet the linear dimensional requirements of Schedule A for the R10 District irrespective of the District in which they lie.
- .04 Parking lots shall not be considered part of the system of access.

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- .05 All land not designated for roads, parking, or lots for dwellings shall be reserved as common open space.

The minimum width of common open space between any group of lots and adjacent property or another such group of lots shall be at least fifty (50) feet.

Such open land shall either be conveyed to the Town and accepted by it for park or open space, or be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space; or to be conveyed to a corporation or trust owned or to be owned by the owners of the lots or residential units within the plot. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lot or residential units. In any case where such land is not conveyed to the Town, a restriction, enforceable by the Town, shall be recorded providing that such land be kept in an open state and not built upon for residential use or developed for accessory uses such as parking or roadway.

Where such open land is conveyed to a corporation or trust, as described above, maintenance shall be permanently assured through an incorporated homes association, through which each lot owner in the development is automatically involved and each lot is subject to a charge for a share of the maintenance expenses.

- .06 Each application submitted for consideration as a cluster development shall have been prepared by or with the assistance of a team of professionals including a registered civil engineer or registered surveyor. A detailed plan, illustrating location of sites, buildings and related facilities shall be submitted, along with

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detailed written statements describing the intent of the developers in such detail as the

Planning Board require. Additionally, the prospective developer shall submit detailed drawings of building elevations and any information which might be required by the Planning Board to assist in its review process.

07. Approval of a cluster development shall be granted only upon the Planning Board determination that the plan is superior to a conventional one in preserving open space for conservation or recreation; in utilizing natural features of the land; in allowing more efficient provision of streets, utilities and other public services; and at least equal to a conventional plan in other respects. Means of achieving these objectives include:

- minimizing driveway openings on through streets, or near street intersections;
- minimizing extensive topographic change necessitating vegetation and tree removal;
- preservation of scenic views from public ways;
- preservation of natural landscape in large contiguous areas enhancing the likelihood of the continuation of existing ecosystems;
- contiguity with preserved open space for a large proportion of the lots having reduced lot area;
- variations in lot sizes and building arrangements;
- use of common open space to protect valuable natural environments such as

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stream valleys, outstanding vegetation or scenic spots, and to avoid development on geographically unsuitable land.

.08 The Special Permit shall include conditions to ensure the non-transient use of dwellings in the development, including restrictions on short-term rentals, use of an on-site rental office, and resort-style advertising; and shall provide that not more than five (5) detached single-family dwelling units shall be concurrently offered for rental by the same principals.

08.02 Planned Unit Development:

This Bylaw does not provide for, nor authorize, Planned Unit Developments.