



## PLANNING BOARD • Town of Acton

CLUSTER BY-LAW  
INFORMATIONAL HEARING  
APRIL 2, 1981

CALL TO ORDER: 8:05

ADJOURNED: 10:10

THOSE PRESENT: Mrs. Bayne (Chairwoman), Board member, Mr. Weare; Planning Administrator, Mr. Dufresne; Marion Maxwell and Marilyn Peterson, Board of Appeals; Bea Perkins and Gary Myron, Recreation Commission; Brewster Conant, Beth McCurdy and Judith Clark, Conservation Commission; E.V. Tear, John Whittier, Harold Donahue and Bell Choate, concerned citizens.

PRESENTATION: Mrs. Bayne and Mr. Dufresne opened the meeting with a slide and overhead projector presentation. They briefly explained the advantages of the proposed By-Law. Slides were shown of different clusters built in the Massachusetts area.

### DISCUSSION & QUESTIONS:

The meeting opened to those attending for discussion and questions.

Q - If a developer has only wetland to work with as common land in his cluster; is there any provision requiring more land other than swamp to be used as common land.

A - The Board found no reason for such a requirement; wetland is attractive and is highly valuable for supporting wildlife and other ecosystems and for water protection.

Q - How will the board decide how the floodplain will be addressed. How will the number of lots be decided in connection with the floodplain?

A - The Board would request the same information from Engineering which the Board of Appeals presently requests under the present Special Flood Plain Process.

Q - Is the By-law too loose in its wording? Could this cause legal complications?

The By-Law must be flexible in order to work with the developer and the individual piece of land. If the By-Law is too rigid it may not be able to meet its purpose.

Q - Shouldn't Section #2 Line 5 say "the Board shall require", as opposed to "may require"?

A - The Board will consider changing this wording.

Q - Is there a way that the developer can build more under the new By-Law, as compared to what he presently can build?

A - State Law requires no greater density under Cluster Developments.

Q - Will the Conservation Commission retain its existing jurisdiction under the Cluster By-Law?

A - The Board has the permit giving authority, but must consider the recommendations of the other boards.

Q - Will there be a problem in the future with maintenance of private common drives?

A - The developer has to write into his deed and plan, before the granting of special permit, arrangements for maintenance of these ways.

Q - Is there any control over the use of Common Land?

A - Again, the developer must write this into his deed and plan; he must state for what purpose the common land is going to be used. If the homeowners association wants to use their common land for something else they have to apply for another special permit.

Q - In regards to common land becoming a gift to the Town; would the Town want this land? Would the Town want the responsibilities of these small pieces of land?

A - These small pieces of land can be very valuable to the Town. (An example was given of a small piece of land in Concord which is now the only public access to a pond.)

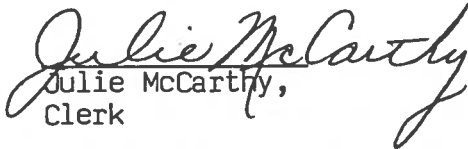
Q - Can there be deed restriction regarding the common land being used for agricultural purposes? Will the Board have the power to control this?

A - The Board will review this question.

TECHNICAL CHANGE:

On # 9 section d. CHANGE: "no later than thirty (30) days"  
to  
"no later than thirty five (35) days "

Respectfully Submitted,

  
Julie McCarthy,  
Clerk