



# Edgartown Planning Board

P.O. Box 5130, 70 Main Street, Edgartown, MA 02539

Tel: (508) 627-6170 Fax: (508) 627-6173

[planningboard@edgartown-ma.us](mailto:planningboard@edgartown-ma.us)

## Application for Special Permit for a Cluster Development

IN ACCORDANCE WITH EDGARTOWN ZONING BYLAW, SECTION 9

### PROPERTY OWNER

Name (individual or corporate)\*: \_\_\_\_\_

*\*Name must exactly match name on property title! Errors will delay processing of application.*

### PROPERTY INFORMATION

Street and Number: \_\_\_\_\_

City: Edgartown State: MA ZIP: 02539

Assessors' Map and Parcel: \_\_\_\_\_

Zoning Reference: Zone: \_\_\_\_\_ Overlay District: \_\_\_\_\_

Title to Land is derived under:  Deed  Land Court Certificate of Title

Book #: \_\_\_\_\_ Page #: \_\_\_\_\_

### APPLICANT (OWNER OR AGENT)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Applicant is: \_\_\_\_\_ Owner \_\_\_\_\_ Agent for the Owner

### BRIEF PROJECT NARRATIVE (DESCRIBE WORK TO BE DONE)

*\*\*Applicant may attach additional information to this application prior to signing.*

### NATURE OF RELIEF REQUESTED:

*Special Permit for a Cluster Development under Section 9 of the Edgartown Zoning Bylaw.*

### ALSO INCLUDE:

- SITE PLAN, prepared in accordance with Section 9 of the Edgartown Zoning Bylaw, clearly showing existing lot lines, and all proposed lot lines, as well as any existing structures, easements, rights of way, wetlands, bodies of water, etc.
- NARRATIVE, describing applicant's intent, proposed method of land conservation, any existing conservation restrictions currently in effect on the subject land, and any other information that may be relevant to this application.
- AGENT AUTHORIZATION, if applicant is a third party, acting on behalf of property owner
- FILING FEE of \$275.

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## **APPLICANT SIGNATURE**

By signing this document, applicant certifies that all information provided herein is true to the best of their knowledge. Applicant further agrees to abide by the Edgartown Planning Board Rules and Regulations for Issuance of Special Permits, the Edgartown Zoning Bylaw, and the General Laws of the Commonwealth of Massachusetts. Applicant further agrees to pay the necessary application fee, all costs for publication of the notice of Public Hearing in a newspaper of local circulation, and any costs relative to the distribution of public notices to abutters.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name: \_\_\_\_\_

## **BUILDING/ZONING REVIEW**

Notes / Direction from Building Inspector:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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## **Purpose.**

For the purpose of encouraging the preservation of open space and promoting the more efficient use of land in harmony with its natural features and with the general interest of the Zoning Bylaw, and to protect and promote the health, safety, convenience, and general welfare of the inhabitants of the town, an owner or owners of a tract of land situated within any Residential or Residential/Agricultural District, or a duly authorized agent thereof, may make application to the Planning Board for a special permit excepting such land from the requirements of the Intensity Regulations delineated in this Bylaw and allowing Cluster Development in the form of multi or single family units.

## **Special permit.**

After notice and joint public hearing with the Board of Health, the Planning Board may grant such a Special Permit provided that:

- A. That in no instance shall the density exceed that specified in Section 9.3 of this bylaw.
- B. Tracts not having access to publicly available water and/or sewerage must provide on-lot systems that will insure adequate protection to the water table's purity.
- C. The usual setback and frontage requirements shall be met, except that no proposed dwelling shall be within 50 feet of the Cluster development's boundary; however the setback and frontage requirements may be waived by the Planning Board.
- D. All 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 lots or residential units. In any case where such land is not conveyed to the Town, a restriction, enforceable by the Town, shall be recorded provided that such land be kept in an open state and not built for residential use or developed for accessory uses such as parking or roadway. Land developed for recreational use" including but not limited to any structures, pools, or playgrounds, shall not be considered to be open land for the purposes of dedication to the town.
- E. Where such 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 in the maintenance Expenses.

## **Number of dwelling units.**

- A. The number of dwelling units allowed in a Cluster Development shall equal 1.1 times the "Applicable Land Area" divided by the minimum lot area requirement for a single-family dwelling in that district.
- B. "Applicable Land Area" shall be determined by a registered land surveyor, and equals the total area of the tract of land proposed for development minus land subject to either inland or coastal wetland regulations (MGL Ch. 131, Sec. 40); minus land otherwise prohibited from development by local or state bylaw, regulation, or statute; minus land designated on the plan for uses not primarily servicing residents of the development; and minus land previously prohibited from development under a Conservation Restriction.
- C. If the tract proposed for development lies in more than one zoning district, the number of units allowed shall be calculated as above, to give an overall allowable total.
- D. If in the opinion of the Planning Board such increased density of any cluster shall not be detrimental or objectionable to the neighborhood in which it is located, each dwelling unit in a multi-family structure may be considered as 50% of a dwelling unit in calculating the allowable number of units for units reserved for year-round occupancy by families or individuals of income below current Island average. Such occupancy is to be assured through covenants and through ownership or management involvement of a non-profit or limited dividend organization.

## **Additional restrictions.**

The Planning Board may, in appropriate cases, impose further restrictions upon the tract, or parts thereof, as a condition of granting the special permit.

## **Preparation of application.**

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 architect, a registered landscape architect and a registered civil engineer or registered surveyor.

## **Plans and information to be submitted.**

A detailed plan, illustrating all natural and topographic features together with the proposed development, location of sites, buildings and related facilities shall be submitted, along with a detailed written statement describing the intent of the developers in such detail as the Board shall require. In addition, the developer shall submit any other information which might be required by the Board to assist in the review process, including detailed building elevations, when deemed necessary. Within ten days of the receipt of the plan the Board of Appeals shall transmit a copy thereof, provided by the developer, to the Planning Board. The Planning Board shall investigate the proposed layout and report in writing its recommendations to the Board of Appeals prior to the hearing on the Special Permit by the Board of Appeals.

## **Guidelines for approval.**

Approval of a Cluster development shall be granted only upon the Planning Board's determination that the plan is superior to a conventional one in preserving open space for conservation or recreation, agriculture; in utilizing natural features of the land; in allowing more efficient provisions of street, utilities and other public services; and at least equal to a conventional plan in other respects.

As guidelines, the Planning Board shall consider if the proposed cluster development:

- A. preserves natural landscape in large contiguous areas enhancing the likelihood of continuation of existing eco-systems;
- B. minimized driveway openings through streets, or near street intersections;
- C. minimizes extensive topographic change necessitating vegetation and tree removal;
- D. preserves scenic views from public ways;
- E. provides contiguity with preserved open space for large proportion of the lots having reduced lot areas;
- F. varies in lot sizes and building arrangements;
- G. uses common open space to protect valuable natural environments such as stream valleys, outstanding vegetation or scenic spots and avoids development on geographically unsuitable land;
- H. enhances the character of the neighborhood in which the tract lies;
- I. is consistent with expected future development or to any master plan in existence.

## **Issuance of special permit.**

A special permit for a "cluster development" shall not be issued by the Planning Board unless the Board is satisfied that the intent and provisions of this Bylaw and of Chapter 40A of the General Laws have been met.