

Planned Conservation Residential Community (PCRC) By-right

What are cluster developments and what are their purpose?

Standard subdivision of land for residential or other development divides the entire development tract into lots and streets, with lots meeting or exceeding minimum zoning requirements for area and frontage, and streets meeting or exceeding the requirements of the Acton Subdivision Rules and Regulations. The resulting buildings are more less evenly distributed throughout the development tract, with all land consumed by buildings, driveways, roads, yards, lawns, and septic systems.

Cluster Developments are residential developments in which buildings are clustered together into one or more groups that together consume only a portion of the development tract. The remaining undeveloped land on the development tract then typically remains preserved as open space, which may include agriculture, forestry, or recreation uses where appropriate. Presently in Acton, Cluster Development can only be allowed by special permit on a plot of land of such minimum size as the zoning bylaw specifies. Special rules apply to buildings, lots, setbacks, separation, and density for building in the developed portion of the tracts, and use restrictions apply to the preserved open land. All such special cluster development rules vary from those otherwise applicable under the bylaw. Overall, the number of dwelling units per acre for the entire tract of land does not exceed the number of dwelling units per acre that would be allowed under standard applicable zoning requirements.

Acton's Planned Conservation Residential Community (PCRC) is a type of cluster development. Acton's Zoning Bylaw states that the primary purpose of the PCRC, "is to allow residential development that encourages the preservation of open space and thus allows within it the preservation of significant land, water, historic, archeological and natural resources, in a manner consistent with the goals of the Master Plan and the Open Space and Recreation Plan. The second purpose is to facilitate and encourage the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner than in a standards subdivision."¹

History of state law:

Prior to July 27, 2000, State law required a special permit for cluster developments under Section 9 of Chapter 40A (The Zoning Act). Since this time, an amendment to Section 9 of Chapter 40A was approved to allow cluster developments through Sections 81K to 81GG of Chapter 41 (The Subdivision Control Act). This amendment effectively removed the special permit requirement for cluster developments. Now, towns can allow cluster developments by-right under the Subdivision Control Law and under guidance of the Subdivision Rules and Regulations.

Existing Cluster Developments in the Town of Acton

Zoning Bylaw Section 9: Planned Conservation Residential Community (PCRC)

- Requires Special Permit
- Minimum tract of land area of 8 acres

¹ Acton zoning also provides for a second form of cluster development by special permit called Open Space Development (OSD). It is similar in concept to PCRC, but less flexible and yielding less preserved open space.

- Allowed in R-2, R-4, R-8, R-8/4, R-10, and R-10/8
- Density calculated by zoning district on basis of number of standard lots that fit on the tract of land times 80%
- Minimum open space must be 60% plus additional allowances for wetlands on the tract.
- No specific regulations for open space site design (criteria for siting, layout, etc.)

Some examples of cluster developments (PCRCs) in Acton are:

- Central Street (next to Woodlawn cemetery)
- Quarry Woods (off Quarry Rd)
- Colonial Acres (Phase IV, Squirrel Hill Rd)
- Robbins Mill (off Carlisle Rd)
- Marshall Crossing (off Carlisle Rd)
- Bellows Farm (Davis Road, back)
- Lexington Drive

PROPOSED Zoning Bylaw Change to allow PCRCs by-right:

- The only allowed by-right method
- Reduce minimum acreage for tract size
- Allow in R-2, R-4, R-8, R-8/4, R-10 and R-10/8
- Accommodate existing Affordable Housing Overlay District
- Open space design process in Subdivision Rules
- Standards for open space design process
 - Senior Residences to follow open space design process
- All other methods of residential land development require Special Permits; except ANR.

Ownership of Common Land (remains the same as before)

State law requires the open land be conveyed to one of the following:

- The Town, accepted for park or open space use;
- A non-profit organization whose principal purpose is the conservation of open space,
- A corporation or trust owned or to be owned by the owners of lots or residential units within the development.

If the open land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

Benefits of allowing PCRCs by-right:

The purpose of this proposal is to begin addressing two of the Seven Goals of the Acton 2020 Plan: “Preserve and Enhance Town Character” and “Ensure Environmental Sustainability.” Action items supporting these goals are to “use zoning to protect open space parcels” and to “move toward patterns of land use and land protection that supports broad biodiversity, soil preservation and healthy agriculture.”

The proposed PCRC by-right development method will better preserve open land, protect significant features on that land and reduce the built infrastructure (such as streets). Currently, Acton only has one by-right method for residential development— the standard subdivision. Contrary to cluster developments where land use is better preserved, Acton’s current standard subdivision tends to produce a sprawl effect and places no emphasis on land preservation. Allowing PCRCs as *the* by-right method would enhance the PCRC zoning tool’s effectiveness in protecting open space parcels by removing the more adjudicative special permit process. Although many developers have chosen the PCRC method, there are no requirements to do so. This proposal would make PCRCs the only by-right method for development and consequently “disincentivizing” the standard subdivision method.

Possible opposition:

1. In the past, a few residents opposed the current PCRC bylaw because it is perceived as allowing for an increased number of dwelling units above the number allowed in a typical subdivision; this perception has never been corroborated or definitively ruled out as a possibility in certain cases.
2. The proposal includes restrictions on site layout. Private property owners may oppose the conservation design aspect of the proposed by-right method because it limits where dwelling units and streets may be built, putting emphasis on preservation of critical natural resources, habitat, historic resources, vistas, etc.