

Town of Windham

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**Long Range Planning Committee
Conference Room 1, Town Office
7:30 – 9:00 AM, June 6, 2018**

AGENDA

1. News/updates
2. Annual Report/Performance Measures (See Comp Plan page 34)
 - a. Do we have enough?
 - b. Are they the right ones?
3. Ordinances
 - a. Rural Area Ordinance Tools
 - i. Amending Windham's Cluster Subdivision standards to require cluster layout in rural areas
 1. Draft Section Section 911.K
 - b. Zoning Map updates
 - i. Continue discussion of zoning critical Rural Areas
4. Meeting schedule
 - a. A couple members have conflicts with the current meeting schedule. Are there other day/times that could be considered?

K. Cluster Developments

1. *Purpose*

Development under this provision is intended to promote imaginative, well-designed subdivisions which preserve open space and agricultural uses, provide public access to land for passive and active recreation, protect natural features, environmentally sensitive areas and wildlife cover, respect the physical qualities of the land, and, in some instances, reduce the overall development costs of a subdivision. The standards for cluster development allow for the creation of lots that are smaller than those that would otherwise be required by the applicable zoning district regulations and in some cases can be combined with density bonuses to allow additional lots, in return for setting aside the balance of the property as permanent common open space. In addition to all applicable standards of this Ordinance, the Planning Board may approve a single-family cluster subdivision provided the following conditions are met:

2. *Procedure*

~~(a)~~ ~~(a)~~ Application Requirements.

a. All submissions for single-family subdivisions in the Farm and Farm Residential zoning districts that meet the space and bulk requirements listed in the appropriate zoning district ~~may~~ must be designed as a cluster subdivision.

~~a-b.~~ Submissions for subdivisions in all other zoning districts that meet the space and bulk requirements listed in the appropriate zoning district may be designed as a cluster subdivision.

(b) Property located within more than one residential zoning district. The overall density of the subdivision shall not exceed the combination of the density requirements of the districts in which the subdivision is located, before density bonuses are applied.

3. *Basic Standards for Cluster Subdivisions*

(a) Cluster developments shall meet all applicable requirements of the Land Use Ordinance.

(b) ~~(d)~~ In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage of the parcel shall be divided by the net residential density standard of the applicable zoning district. Density bonuses are applicable, per the appropriate zoning district standards (see Section 400.)

© As of [Effective Date], no parcel of land may be divided in excess of the maximum number of lots allowed based on the minimum lots size of the zoning district, except where bonus lot provisions of this ordinance apply. A landowner may choose not to maximize the development potential of a tract of land in the first

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subdivision application and reserve remaining development rights for a future subdivision application.

(d) When the subdivider has a primary residence on the tract of land subject to the subdivision application:

(1) The land remaining with the residence will be a numbered lot within the subdivision.

(2) The subdivider may retain ownership of the remaining land from which the subdivision lots are to be created as part of the subdividers primary residence, or the the subdivider may transfer ownership of the Open Space to a 3rd party per Section 911.E.2.

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(e) When the subdivider does not have a primary residence on the tract of land subject to the subdivision application:

(1) The Open Space standards in Section 911.K.5 shall apply.

(f) Each building envelope shall be an element of an overall subdivision plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of building envelopes and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of these regulations.

(1) For cluster subdivisions that are not served by a public water supply, the applicant must demonstrate on the plan that it is possible to locate a subsurface wastewater disposal field and a well on each lot. When determined that it is necessary for specific lots, by the Planning Board, as a Conditon of Approval, the location of these elements shall be elements of the subdivison plan, and any future changes to the location of these elements will require an amended subdivision plan review.

(ge) The Planning Board shall allow lots within cluster developments to be reduced from standard subdivision standards as specified in the applicable zoning district. In return for the reduction in the requirements for lot area, frontage, and structure setbacks, the applicant shall provide common open space.

(he) Up to 30% of individual lots or dwelling units may have direct vehicular access onto a public road existing at the time of development.

~~(f) Streets constructed within a cluster subdivision must meet a public street standard.~~

~~(g) Diversity and originality in lot layout and individual building site design shall be encouraged to achieve the best possible relationship between the proposed development and the land under consideration.~~

4. Arrangement of Lots

~~(ga)~~ Diversity and originality in lot layout and individual building site design shall be encouraged to achieve the best possible relationship between the proposed development and the land under consideration.

(b) Factors considered by the Planning Board when evaluating the proposed arrangement of lots shall include, but not be limited to:

- (1) Arrangement of roads, stormwater facilities, wastewater and other utilities in conformance with the natural features of the parcel, minimizing changes to the topography.
- (2) Minimization of impervious cover.
- (3) Protection of stream corridors and other important habitat areas.
- (4) Protection of wetlands
- (5) Feasibility of continued or future agricultural use.
- (6) Feasibility of continued or future forest management.
- (7) Relationship to neighboring property, including conservation easements or natural, cultural, recreational or scenic features.

54. ~~Recreation and Open Space Requirements~~ Open Space not retained by the Subdivider

(a) The ~~Open s~~Space provided by the cluster subdivision shall be identified on the recorded subdivision plan as “~~Common~~ Open Space - Reserved for Recreation, Agricultural and/or Conservation Purposes” when not retained by the subdivider as part of the land retained with the primary residence.

(b) The total area of ~~reserved Open s~~Space within the development shall equal or exceed 50% of the gross land area of the property to be subdivided.

- (1) Common ~~Open s~~Space shall not include road rights of way, streets, drives, or parking.
- (2) At least fifty percent (50%) of the land suitable for development (see Section 534 – Net Residential Area or Acreage) shall be included in the common open space.

~~(c) The common open space shall owned and managed according to the standards of 911.E.2.~~

~~(d) Depending on the size and location of the subdivision, the Planning Board may require the developer to designate a portion of the total common open space area for recreation. The reserved open space shall be suitable for both passive and active recreation, including, but not limited to, bicycle and pedestrian trails, picnic areas, soft ball fields, tennis and basketball courts, tot lots and play grounds, and hard surface court games~~

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~~(1) It is desirable that areas reserved for recreation be at least one (1) acre in size and easily accessible from all lots within the subdivision.~~

- (e) One principal access point having a minimum width of twenty (20) feet shall be provided for access to the required common ~~e~~Open ~~s~~Space from the road network within the cluster subdivision. Additional, secondary points of access having a minimum width of ten (10) feet may be provided from individual lots when these lots abut or are located within a portion of the common open space area.
- (1) The size and location of the principal and secondary access points shall be reviewed and approved by the Planning Board as part of the Board's review of the cluster subdivision.
- (2) In order to be eligible for any density bonus described in the applicable zoning district standards, the following conditions must be met:
- a. The open space must be open for general public use, not just homeowners within the subdivision, and
 - i. The open space must either be accessed from an existing public street or
 - ii. Access is from an abutting property that is public, permanent open space or recreation land, or
 - iii. Access must be formalized in easement language if access is to be provided over the new subdivision street or streets until such time as the subdivision street or streets are adopted by the Town.
 1. Access easements for the open space must be recorded at the registry prior to the issuance of building permits.
- (f) The required common open space shall not be used for commercial recreation or for private clubs whose membership is different from the homeowners association.
- (g) Common open space areas shall be contiguous. The proposed location of common open space areas should also be considered in relation to other open space areas on abutting properties, and logical connections to and from open space areas on abutting properties should be given consideration by the Planning Board.
- (h) When reviewing the location and type of common open space designated in the subdivision, the Planning Board shall consider the following criteria:
- (1) Individual lots, building envelopes, streets and parking areas shall be designed and situated to minimize alteration of any natural features to be preserved.
 - (2) The usability of the cluster's common open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site.

- (3) Irreplaceable natural features located on the property proposed for subdivision shall be included in the common open space. This includes, but is not limited to: stream beds and other water courses, significant stands of trees, (including the size of the trees), and rock outcroppings.
- (4) The suitability of all land areas designated as common open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings within the subdivision, or length of streets.
- (i) The land areas designated as common open space on the subdivision plan shall meet the following criteria:
 - (1) Common open space areas that can be combined with existing Town owned property dedicated for recreational use, dedicated open space on abutting property, land trust properties and public or private conservation easements, or with future land dedication potential shall be given priority.