

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

Voice 207.894.5960 ext. 2

Fax 207.892.1916

**Long Range Planning Committee
Conference Room 1, Town Office
Wednesday March 4, 2020
7:30 – 9:00 AM**

AGENDA

1. News/updates
2. Public Comment
3. Correspondence
4. Conservation Subdivisions
 - a. Review changes from 2/5 meeting
5. Open Space Plan
 - a. Review RFP selected proposal
 - b. Kick off meeting April 1
6. F/FR Zoning
 - a. Performance Zoning: Setbacks, Bufferyards, Landscaping (specify plant material), Open Space Ratio (OSR) standards
7. Next Meeting
 - a. Regular Meeting - Wednesday March 18, 2020

406 Zoning Districts

A. Farm District (F)

1. Intent

The Farm district is intended primarily for rural and residential land uses. Development is restricted in order to protect farmlands, woodlands, open space, wildlife habitat and scenic areas.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Farm District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Agriculture, Piggery
- Agriculture, Poultry Facility
- Building, Accessory
- Campground, Commercial
- Campground, Personal
- Cemetery
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Golf Course
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Mineral Extraction
- Place of Worship
- Public Building
- Research Laboratory
- Retail Sales, Nursery
- Riding Stable
- Sawmill, Permanent
- Sawmill, Temporary
- Service Business, Landscaping
- Shipping Container
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 516. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Kennel, Major
- Medical Office
- Nursing Home
- Public Utility Facility

- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Rooming House

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Farm District:

- (a) Minimum Lot Size:
 - (1) Standard ~~(Non-Cluster)~~ 80,000 s.f.
 - (2) ~~Cluster Conservation~~ Subdivision:
 - (a) All Subdivision lots connected to public water 130,000 s.f.
 - (b) Subdivision served by wells or a private system 230,000 s.f.
 - ~~(3) Country Estate Subdivision 6.8 acres~~
 - ~~(34) Rooming House 4 acres~~
- ~~(b) Maximum Lot Size:

 - (1) Cluster Subdivision 50,000 s.f.
 - (2) Cluster Subdivision: one (1) lot within subdivision 60,000 s.f.~~
- (c) Net Residential Density: 60,000 s.f.
 - ~~(1) Country Estate Subdivision 250,000 s.f.~~
- (d) Minimum Frontage:
 - (1) Standard ~~(Non-cluster)~~ 200 ft.
 - (2) ~~Cluster Conservation~~ Subdivision 100 ft.
 - (3) ~~Cluster Conservation~~ Subdivision, where frontage is entirely on cul-de-sac 50 ft.
- (e) Minimum Front Setback:
 - (1) Standard ~~(Non-cluster)~~ 40 ft.
 - (i) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.
 - (2) ~~Cluster Conservation s~~Subdivision 25 ft.
 - (3) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
- (f) Minimum Side Setback:
 - (1) Standard ~~(Non-cluster)~~ 10 ft.
 - (2) ~~Cluster Conservation~~ Subdivision: 10 ft.

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| (g) Minimum Rear Setback: | |
| (1) Standard (Non-cluster): | 10 ft. |
| (2) Cluster Conservation Subdivision: | 10 ft. |
| (h) Maximum Building Height: | 35 ft. |
| (1) Agriculture, Public Buildings, Church Steeples | No Limit |
| (i) Maximum Building Coverage: | 25% |

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Farm District:

- (a) Automobile Repair Services in existence prior to August 7, 2014.
 - (1) All repair operations shall be conducted inside an enclosed building.
 - (2) No more than three vehicles shall be serviced or stored on the property at any one time.
 - (3) Hours of operation shall be Monday through Saturday from 8:00 A.M. to 5:00 P.M.
- (b) ~~Cluster~~ Subdivision. ~~(See Sec. 900 Subdivision Review.)~~ All submissions for subdivisions in the Farm District must be designed as a Conservation Subdivision or a Country Estate Subdivision.
 - ~~(1) Cluster Conservation subdivisions shall only be permitted on lots with a minimum of 5 acres of gross land area.~~
- (c) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Farm District
- (d) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (e) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (f) Research Laboratory. This use in the Farm District must conduct investigative research that is primarily related to the items defined in the definition of, “Agriculture.” Refer to Section 300 Definitions.

- (g) Service Business, Landscaping. This use shall be an accessory use to a Retail Sales, Nursery use under the following conditions:
 - (1) The Service Business, Landscaping use shall not exceed fifty (50) percent of the gross area (both interior and exterior areas) occupied by the principle Retail Sales, Nursery use.
- (h) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Nursing Home
 - (4) Retail Sales, Convenience
 - (5) Retail Sales, Nursery
 - (5) Service Business, Landscaping

B. Farm-Residential District (FR)

1. Intent

The Town, as a rapidly growing community, recognizes that certain areas of the town will experience residential growth while the basic rural agricultural orientation remains. It is the intent of this chapter to allow these uses to coexist and develop harmoniously.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Farm-Residential District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Building, Accessory
- Campground, Commercial
- Campground, Personal
- Cemetery
- Child Care, Family Home
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Single-Family Detached
- Forestry
- Golf Course
- Home Occupation 1
- Home Occupation 2
- Kennel, Minor
- Mineral Extraction
- Place of Worship
- Public Building
- Sawmill, Temporary
- Shipping Container
- Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 516. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture, Piggery
- Agriculture, Poultry Facility
- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Kennel, Major
- Medical Office
- Nursing Home
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Retail Sales, Nursery
- Riding Stable
- Sawmill, Permanent

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Farm-Residential District:

- (a) Minimum Lot Size:
 - (1) Standard ~~(Non cluster)~~ 50,000 s.f.
 - (2) ~~Cluster Conservation~~ Subdivision:
 - (i) All subdivision lots connected to public water 20,000 s.f.
 - (ii) Subdivision served by wells or a private system 20,000 s.f.
 - ~~(3) Country Estate Subdivision 6.8 acres~~
- ~~(b) Maximum Lot Size:

 - (1) Cluster Subdivision 35,000 s.f.
 - (2) Cluster Subdivision, one (1) lot within subdivision 45,000 s.f.~~
- (c) Net Residential Density: 40,000 s.f.
 - ~~(1) Country Estate Subdivision 250,000 s.f.~~
- (d) Minimum Frontage:
 - (1) Standard ~~(Non cluster)~~ 150 ft.
 - (2) ~~Cluster Conservation~~ Subdivision 75 ft.
 - (3) ~~Cluster Conservation~~ Subdivision, where Frontage is entirely on cul-de-sac 50 ft.
- (e) Minimum Front Setback:
 - (1) Standard ~~(Non cluster)~~ 30 ft.
 - (i) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.
 - (2) ~~Cluster Conservation~~ Subdivision 25 ft.
 - (3) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
- (f) Minimum Side Setback:
 - (1) Standard (Non cluster) 10 ft.
 - (2) ~~Cluster Conservation~~ Subdivision: 10 ft.
- (g) Minimum Rear Setback:
 - (1) Standard (Non cluster): 10 ft.
 - (2) ~~Cluster Conservation~~ Subdivision: 10 ft.
- (h) Maximum Building Height: 35 ft.
 - (1) Agriculture, Public Buildings, Church Steeples No Limit

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(i) Maximum Building Coverage:

20%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Farm-Residential District:

- (a) Agriculture, Poultry Facility
 - (1) A facility may raise twenty-five (25) or fewer birds at any one time.
- (b) Agriculture, Piggery. Piggeries shall conform with the standards for “Agriculture, Piggery” in Section 503 of the Performance Standards.
- (c) ~~Cluster Conservation~~ Subdivision (See Sec. 900 Subdivision Review) All submissions for subdivisions in the Farm Residential District must be designed as a Conservation Subdivision or a Country Estate Subdivision.
 - ~~(1) Cluster Conservation Subdivisions shall only be permitted on lots with a minimum of 5 acres of gross land area:~~
 - (i) Lots completely contained by the FR District: 5 acres
 - (ii) Lots with area in both the F and FR Districts: 5 acres
- (d) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Farm Residential District
- (e) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units may be created per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (f) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (g) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Nursing Home
 - (4) Retail Sales, Convenience
 - (5) Retail Sales, Nursery

C. Light-Density Residential District (RL)

1. Intent

It is the intent of this district to ensure the proper development of residential areas by encouraging the formation of community units while developing, protecting, and preserving open spaces.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Light-Density Residential District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Building, Accessory
- Cemetery
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Home Occupation 1
- Home Occupation 2
- Place of Worship
- Public Building
- Sawmill, Temporary
- Shipping Container Use, Accessory
- Wireless Telecommunications Tower and Facility

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 516. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Hotel
- Nursing Home
- Medical Office
- Mineral Extraction
- Motel
- Public Utility Facility
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Retail Sales, Nursery

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following dimensional standards shall apply in the Light-Density Residential District:

- (a) Minimum Lot Size:
 - (1) Standard ~~(Non-cluster)~~ 40,000 s.f.
 - (2) ~~Cluster~~ Conservation Subdivision:
 - (i) All subdivision lots connected to public water 20,000 s.f.
 - (ii) Subdivision served by wells or a private system 20,000 s.f.
- ~~(b) Maximum Lot Size:~~
 - ~~(1) Cluster Subdivision 30,000 s.f.~~
 - ~~(2) Cluster Subdivision, one (1) lot within subdivision 35,000 s.f.~~
- (c) Net Residential Density: 30,000 s.f.
- ~~(e)(b) Minimum Frontage:~~
 - (1) Standard ~~(Non-cluster)~~ 150 ft.
 - (2) ~~Cluster~~ Conservation Subdivision 75 ft.
 - (3) ~~Cluster~~ Conservation Subdivision, where Frontage is entirely on cul-de-sac 50 ft.
- (e) Minimum Front Setback:
 - (1) Standard ~~(Non-cluster)~~ 30 ft.
 - (i) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.
 - (2) ~~Cluster~~ Conservation Subdivision 25 ft.
 - (3) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
- (f) Minimum Side Setback: 10 ft.
- (g) Minimum Rear Setback: 10 ft.
- (h) Maximum Building Height: 35 ft.
 - (1) Agriculture, Public Buildings, Church Steeples No Limit
- (i) Maximum Building Coverage: 20%

6. **District Standards**

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Light-Density Residential District:

- (a) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Light-Density Residential District
- (b) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (1) No more than three (3) dwelling units shall be erected per lot.
 - (2) All dwelling units shall have a minimum area of 500 s.f.
- (c) ~~Cluster Conservation~~ Subdivision (*See Sec. 900 Subdivision Review*)
 - (1) ~~Cluster Conservation~~ Subdivisions shall only be permitted on lots with a minimum of 5 acres of gross land area.
 - (2) ~~Cluster Conservation~~ Subdivisions are eligible for a density bonus of 20% to be applied after the Net Residential Density calculation, if the subdivision open space meets the criteria in Section 911.K.4.e.2.
- ~~(d)~~(c) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (e) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Retail Sales, Convenience
 - (4) Retail Sales, Nursery

D. Medium-Density Residential District (RM)

1. Intent

It is the intent of this ordinance to assure the proper development of residential areas by encouraging the formation of community units while developing and preserving open space.

2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Medium-Density Residential District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Building, Accessory
- Cemetery
- Child Care, Family Home
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Forestry
- Home Occupation 1
- Home Occupation 2
- Housing for Older Persons
- Place of Worship
- Public Building
- Sawmill, Temporary
- Shipping Container
- Use, Accessory

3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 516. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Bed and Breakfast Inn
- Boarding Home for Sheltered Care
- Medical Office
- Mineral Extraction
- Nursing Home
- Recreation Facility, Indoor
- Recreation Facility, Outdoor
- Retail Sales, Convenience
- Public Utility Facility

4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

5. Dimensional Standards

The following Dimensional standards shall apply in the Medium-Density Residential District:

Type	Public Water	Well
(a) Minimum Lot Size:		
(1) Standard:	20,000 s.f.	30,000 s.f.
(2) Housing for Older Persons	None	n/a
(3) Cluster Conservation Subdivision	20,000 s.f.	20,000 s.f.
(b) Maximum Lot Size in Cluster Subdivision	30,000 s.f.	30,000 s.f.
(1) Cluster Subdivision, one lot within the Cluster subdivision	35,000 s.f.	35,000 s.f.
(c) Net Residential Density:		
(1) Standard:	15,000 s.f.	15,000 s.f.
(2) Housing for Older Persons:		
(a) One (1) Bedroom Unit:	8,000 s.f.	n/a
(b) Each Additional Bedroom:	6,000 s.f.	n/a
(d) Minimum Frontage:	100 ft.	100 ft.
(1) Cluster Conservation Subdivision:	50 s.f.	50 s.f.
(e) Minimum Front Setback:	30 ft.	30 ft.
(1) The minimum front Setback of a lot may be reduced to the average setback distance of the existing buildings located on the lots to either side of said lot.		
(2) Non-Residential Use:		
Minimum Landscaped Buffer Strip	15 ft.	15 ft.
(f) Minimum Side Setback:	10 ft.	10 ft.
(g) Minimum Rear Setback:	10 ft.	10 ft.
(h) Maximum Building Height:	35 ft.	35 ft.
(i) Maximum Building Coverage:	20%	20%

6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Medium-Density Residential District:

- (a) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the Medium-Density Residential District
- (b) ~~Cluster Conservation~~ Subdivision (*See Sec. 900 Subdivision Review*)
 - (1) ~~Cluster Conservation~~ Subdivisions shall only be permitted on lots with a minimum of 5 acres of gross land area.
 - (2) ~~Cluster Conservation~~ Subdivisions are eligible for a density bonus of 20% to be applied after the Net Residential Density calculation, if the subdivision open space meets the criteria in Section 911.K.4.e.2.
- (c) Housing for Older Persons. The State of Maine Minimum Lot Size Law of 12 M.R.S.A. §4807 to §4807-G shall apply to the Housing for Older Persons use.
- (d) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (e) Buffer Requirements for Specific Non-residential Uses. The following uses shall provide a buffer strip, as defined, from all abutting properties that are solely occupied by a residential dwelling(s):
 - (1) Boarding Home for Sheltered Care
 - (2) Medical Office
 - (3) Nursing Home
 - (4) Retail Sales, Convenience

- (d) If the balance in the observation fee account shall be drawn down by 75 percent, the Town shall notify the applicant and require that an additional amount be deposited to cover the cost of remaining work before any such remaining work is undertaken.
 - (1) The Town shall continue to notify the applicant and require that any such additional amount(s) be deposited whenever the balance of the account is drawn down by 75 percent of the original deposit.
- (e) Any and all unused inspection fee funds shall be returned to the applicant.
- 6. This Subsection 909.C. shall be administered by the Planning Director or other Town employee responsible for administering the ordinance under which review is sought.
 - (a) No building permit, commencement of any construction or site preparation, or certificate of occupancy may be issued or released until all fees assessed hereunder have been paid in full.
- D. Establishment of Fees. The Municipal Officers may, from time to time, establish the appropriate fees following posting of the proposed schedule of fees and public hearing.

910 Submission Requirements

A. Minor and Major Subdivisions

1. *Sketch Plan*

A Sketch Plan shall be required for both Minor and Major Subdivision applications. The Sketch Plan shall show, in simple form, the proposed layout of the subdivision. The Sketch Plan shall show site conditions and identify important or unique natural areas and site features. The intent of the Sketch Plan is to provide the applicant and the Planning Board with a flexible and low-cost means to understanding the site, and to create a development plan that reflects the site's opportunities and constraints.

The Sketch Plan submission shall contain five (5) copies of the following information, including full size plan sets, along with one (1) electronic version of the entire submission:

- (a) A complete Sketch Plan application form,
- (b) A narrative describing the existing conditions of the site, the number and size of lots, and the constraints and opportunities of the site. The narrative should outline any traffic studies, utility studies, market studies or other applicable work that will be conducted as part of the Preliminary Plan (Major Subdivision) or Final Plan (Minor Subdivision) application.

- (c) Name, addresses, and phone numbers of the record owner and the applicant.
- (d) Names and addresses of all consultants working on the project.
- (e) Evidence of right, title, or interest in the property.
- (f) Evidence of payment of the Sketch Plan application fee and escrow deposit.
- (g) Any anticipated requests for waivers from the submission requirements for the Preliminary Plan (Major Subdivision) or Final Plan (Minor Subdivision) application (*See Sec. 908 Waivers*).
- (h) A copy of a portion of the U.S.G.S. topographic map of the area showing the boundaries of the proposed subdivision.
- (i) A copy of that portion of the Cumberland County Medium Intensity Soil Survey covering the proposed subdivision. The boundary of the proposed subdivision site must be shown.
- (j) A plan of the parcel, with an accurate scale, showing at a minimum the information listed, below.
 - (1) Name of the subdivision, north arrow, date and scale.
 - (2) Boundary and lot lines of the subdivision.
 - (3) Approximate location, width and purpose of easements or restrictions (if applicable).
 - (4) Streets on and adjacent to the tract.
 - (5) Approximate location and size of existing utilities on and adjacent to the tract (if none, so state).
 - (6) Existing buildings, structures, or other improvements on the site (if none, so state).
 - (7) The major natural features of the site, approximated by the applicant, including wetlands, streams, ponds, floodplains, groundwater aquifers, treelines, significant wildlife habitat and fisheries or other important natural features (if none, so state).
- (k) An Existing Resources Inventory and Site Analysis Sketch Plan for Conservation Subdivisions as described in Section 911.K.3.

Note: Major Subdivision Applications. If the applicant decides to survey the property as part of the Sketch Plan submission, please refer to the GIS requirements for a Major Subdivision Final Plan review. It may be in the applicant's best interest to obtain the required GIS data while the surveyor is on site.

K. Conservation Subdivisions ~~Cluster Developments~~

1. *Purpose*

This section establishes standards and procedures for developing Conservation Subdivisions that set aside a significant portion of the site as Open Space that is permanently protected while allowing the homes to be grouped on smaller lots on the portions of the site that have the least natural, cultural, or historical resource value for conservation purposes. The standards are intended to ensure that those areas of the site that are not developable or that have natural resource value are included in the Open Space.

Development under this provision is intended to promote imaginative, well-designed subdivisions which preserve open space, ~~forests~~ and agricultural uses, ~~and an overall rural character~~. Additionally, Conservation Subdivisions should 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~~ Conservation Subdivisions 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 Open Space.

These provisions are designed to ensure that Conservation Subdivisions developed in the Town:

- a. Preserve those areas of the site that have the highest natural resource value for conservation purposes (refer to the Primary and Secondary listed below);
- b. Preserves rural character and functions in rural portions of Windham;
- c. Provide an well-designed approach to the overall roadway and site layout that results in a landscape that provides a sense of a unique and appealing place;
- d. Preserve identified historic, archeological, and cultural features located on the site;
- e. Locate the buildings and structures on those portions of the site that are most appropriate for development;
- f. Create continuous open spaces or “greenways” by linking the Open Spaces in adjoining subdivisions wherever possible; and,
- g. Minimize the impact of residential development on the Town, neighboring properties, and the natural environment.

In addition to all applicable standards of this Ordinance, the Planning Board may approve a single-family ~~cluster subdivision~~ Conservation Subdivision provided the following conditions are met:

2. *Applicability Procedure*

- (a) ~~(a)~~ Application Requirements. All submissions for single-family subdivisions in the Farm zoning district and Farm Residential zoning district that meet the space and bulk requirements listed in the appropriate zoning district ~~may~~ must be designed as a ~~cluster~~ Conservation Subdivision or a Country Estate Subdivision.
- (b) All 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 Conservation Subdivision or a traditional subdivision.
- ~~(a)~~(c) 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. Procedure for Conservation Subdivisions

(a) Design Process for Conservation Subdivision Open Space

(1) Delineation of Open Space

- a. The area to be designated as Open Space or otherwise preserved as part of the development shall be delineated based upon the Primary and Secondary Conservation Areas. The proposed Open Space in Conservation Subdivisions shall be identified in accordance with the following:
 - i. The minimum percentage and acreage of required Open Space shall be calculated by the applicant and submitted in accordance with the provisions of this ordinance and of the Zoning Ordinance.
 - ii. The proposed Open Space shall be designated using an Existing Resources Inventory and Site Analysis Sketch Plan as a base. This Plan shall describe the property proposed to be subdivided and analyze the opportunities and constraints for open space preservation and development. This should be submitted for pre-application review with planning staff prior to submitting a formal application for subdivision approval.
 - iii. The Primary Conservation Areas on the site shall be delineated and shall be incorporated into the Open Space. The Primary Conservation Areas shall include floodplains, wetlands, and areas with sustained slopes over 25 percent.
 - iv. The Secondary Conservation Areas on the site shall then be delineated. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to lowest suitability for inclusion in the proposed Open Space based upon the priorities set forth in Section 911.K.6.c.

- v. On the basis of those priorities and practical considerations related to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, sufficient Secondary Conservation Areas shall be identified to be included in the Open Space to meet at least the minimum area percentage requirement for Open Space. This delineation shall clearly indicate the boundaries as well as the types of resources included within them.
- vi. The proposed Open Space shall include all Primary Conservation Areas and the Secondary Conservation Areas with the highest resource significance as identified. For subdivisions that are not Conservation Subdivisions, the Primary and Secondary Conservation Areas shall be identified using the Existing Resources Inventory and Site Analysis Sketch Plan as a base. The layout of the subdivision shall consider these resources and shall preserve them to the extent reasonable.

(2) Open Space Design

- a. All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least 75 percent of the Open Space shall be contiguous to another Open Space area. For the purposes of this subsection, areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
- b. Open Space shall, to the greatest extent possible, protect site features identified in the Existing Resources Inventory and Site Analysis Sketch Plan.
- c. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or to restore their overall condition and natural processes.
- d. No area of Open Space shall be less than 50 feet in its smallest dimension and less than 10,000 square feet in area. Open space not meeting this standard is allowed as an added project enhancement, but shall not be counted toward the required project Open Space.
- e. The boundaries of Open Spaces shall be marked by natural features wherever possible, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the Open Space ends and private lot areas begin. Where structural demarcations, such as fences are used, they shall be the minimum needed to accomplish this objective.
- f. Open Space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these

streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

(3) Location of Building Sites

- a. Potential building sites shall be tentatively located taking into consideration the proposed Open Space and/or the Primary and Secondary Conservation Areas identified in 911.K.6.(c), as well as other relevant data from the Existing Resources Inventory and Site Analysis Sketch Plan, such as topography and soils.
 - i. Building envelopes should generally be located at least 100 feet from Primary Conservation Areas and at least 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences and other uses.
 - ii. Buildings shall be set back at least 100 feet from existing Public and Private Streets. This buffer may be part of the Conservation Subdivision Open Space. When buildings will be visible from the existing streets, the applicant shall minimize the visual impact of new development through larger setbacks or screening with elements such as low walls, split-rail fencing, trees or other plantings.
 - iii. Buildings shall be set back at least 50 feet from the external perimeter of the property line of the Conservation Subdivision, with the exception of property lines along public or private streets. The buffer strip shall be naturally vegetated or landscaped. This buffer may only be part of the Open Space if the area is a primary or secondary conservation area delineated in accordance with Section 911.K.3.a.1.

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(4) Alignment of Streets and Ways and Creation of a Trail System

- a. Based upon the designated building sites, a circulation plan shall be designed to provide vehicular and pedestrian access to each site. The street layout shall bear a logical relationship to topographic conditions. Impacts of the street plan on proposed conservation lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and minimizing cut and fill. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate access to and from buildings in different parts of the subdivision. A trail system shall be created within the Open Space to provide access from the subdivision homes to the open space network created by the subdivision.

(5) Drawing in the Lot Lines

a. Upon completion of the preceding steps in 911.K.3.(a).1-4, lot lines shall be drawn as required to delineate the boundaries of individual lots. Lots shall be designed in keeping with the standards for individual lots found in Section 400 and shall be further designed to provide each residence with a clear delineation of its property bounds and with useable yard spaces.

34. **Basic Standards for ~~Cluster-Conservation~~ Subdivisions**

(a) ~~(a)~~ Conservation Subdivisions shall meet all applicable requirements of the Land Use Ordinance.

~~(b)~~ (b) The Planning Board shall allow lots within Conservation Subdivisions 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

(c) 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.)

~~(1) Density Bonuses are not applicable in the Highland Lake watershed.~~

~~(b)~~ (d) ~~(e)~~ (e) — A landowner may choose not to maximize the development potential of a tract of land in the first subdivision application and reserve remaining development rights for a future subdivision application. In this instance, a conceptual master plan showing the location of future lots must be submitted. The conceptual master plan shall include the minimum information required for a sketch plan submission.

(1) The subdivider may retain ownership of the remaining land from which the subdivision lots are to be created provided the portion of the remaining land counted toward the subdivision Open Space is subject to a permanent conservation or agricultural easement, or the subdivider may transfer ownership of the Open Space to a 3rd party per Section 911.E.2.

~~i.~~ (2) ~~(2)~~ (3) The land remaining will be a numbered lot within the subdivision.

~~(2)~~ (3) The Open Space standards in Section 911.K.5 shall apply.

~~(e)~~ (e) ~~(f)~~ (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.

~~(e)~~(f) For ~~clusters~~Conservation 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 Condition of Approval, the location of these elements shall be elements of the subdivision plan, and any future changes to the location of these elements will require an amended subdivision plan review.

~~(g)~~ 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.

~~(g)~~ ~~(h)~~ Up to 30% of individual lots or dwelling units may have direct vehicular access onto a ~~public~~Public road-Street existing at the time of development.
a. ~~Driveways may cross the buffer and must run essentially perpendicular to the street.~~
b. ~~Driveways serving individual lots in a Conservation Subdivision on an existing Public Street must be separated from new or existing driveways and street intersections by 300 feet.~~

~~(e)~~~~(h)~~ Streets within a Conservation Subdivision must meet the Major Private Road Standard.

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45. Arrangement of Lots

(a) 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.

~~(a)~~(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.

~~56.~~ ***Open Space Requirements for Conservation Subdivisions***

~~(a)-(a)~~ The Open Space provided by the ~~cluster-subdivision~~ Conservation Subdivision shall be identified on the recorded ~~subdivision~~ plan as “Open Space Reserved for Recreation, Agricultural and/or Conservation Purposes.”

~~(a)~~

~~(b) (b)~~ Minimum Amount Required – The amount of Open Space provided within the subdivision shall be equal to or greater than the sum of the following:

- ~~(1)~~ All of the areas of the parcel that are deducted from the gross area of the site to determine the Net Residential Area (see Section 536 – Net Residential Area or Acreage); plus,
- ~~(2)~~ At least fifty percent (50%) of the remaining land that is not deducted from the calculated Net Residential Area (see Section 536 – Net Residential Area or Acreage).

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

~~(1) Open 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 Open Space.~~

~~(c) (c)~~ Priorities for Land Included in Open Space – The land set aside in the Open Space shall be selected based upon the following priorities:

(1) Primary Conservation Priorities

- ~~i.~~ Streams, wetlands, floodplains, vernal pools, and areas with a slope in excess of 25%. Buffers that are required by ordinance along these protected resources shall also be considered Primary Conservation Areas.
- ~~ii.~~ Areas that maintain the rural character of roadsides.
- ~~iii.~~ Scenic resources including viewsheds and agricultural fields along with the forested margin adjacent to these resources.
- ~~iv.~~ Areas that are adjacent to other protected open space.

(2) Secondary Conservation Priorities

- ~~i.~~ Areas that provide protection for unique or irreplaceable resources including the habitat of rare, significant, or endangered species, archaeological or historic sites, landmarks, and cemeteries.
- ~~ii.~~ Areas that provide for the continuation of resource systems into or through the site such as shorelands, river or stream corridors, wildlife travel corridors, trails, and unfragmented habitat blocks. The width of such corridors shall be as follows:

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1. Shorelands, river or stream corridors - 100% of the width of any required vegetative buffer in addition to the required buffer
 2. Wildlife travel corridors – 300 feet
 3. Recreational Trail Corridors – 25 feet on either side of the trail Unfragmented habitat blocks shall have a minimum contiguous area of 150 acres.
 - iii. Areas that encompass groups of small wetlands not included in Primary Conservation Areas, as well as streams or ponds in a continuously forested area.
 - iv. Other Secondary Conservation Areas including fields, aquifer recharge areas, deer yards, and other identified habitat.
- (d) For Open Space not retained by the subdivider, one principal access point having a minimum width of twenty (20) feet shall be provided from the road network within the ~~cluster subdivision~~ Conservation 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~~ 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~~ Conservation 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 or the subdivider, 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.
- (~~de~~) The required Open Space shall not be used for commercial recreation or for private clubs whose membership is different from the homeowners association.
- (~~ef~~) ~~Open Space areas shall be contiguous.~~—The proposed location of 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.

- ~~(f) When reviewing the location and type of 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 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 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 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.~~

67. Country Estate Subdivisions

~~As an alternative to Conservation Subdivision design in the Farm zoning district and the Farm Residential zoning district, an applicant may choose a Country Estate Subdivision design. This alternative does not include the reservation of Open Space or the level of site analysis and design required by a Conservation Subdivision. As a result, large residential lots are required in order to meet Town goals of protecting water quality and wildlife habitats and preserving rural character. (g) The land areas designated as Open Space on the subdivision plan shall meet the following criteria:~~

- ~~(1) 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.~~

(a) Layout and Design of the Development

~~(1) Minimum Property Line Setbacks. All principal buildings shall be setback a minimum of seventy-five (75) feet from any property line. Accessory buildings and structures with less than two hundred (200) square feet of footprint area shall be set back a minimum of fifty (50) feet from any property line. Any other accessory buildings and structures shall be setback a minimum of seventy-five (75) feet from any property line.~~

~~(2) Streetscape Buffers. A vegetated buffer strip shall be maintained on any Country Estate lot that fronts on or otherwise abuts any existing public and private street to minimize the visual impact of the development on the streetscape. The depth of the buffer strip shall be at least fifty (50) feet. The buffer strip may be crossed by driveways or access drives that run essentially~~

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perpendicular to the street. The buffer strip shall be naturally vegetated or landscaped in a manner appropriate to the existing site conditions and the secondary conservation value of the strip.

(3) Perimeter Buffers. A vegetated buffer strip shall be maintained along the external perimeter or property line of the Country Estate Subdivision, with the exception of property lines along public or private streets, to minimize the impact of the Country Estate Subdivision on abutting properties. The width of the buffer strip shall be at least fifty (50) feet. The buffer strip shall be naturally vegetated or landscaped

(b) Conceptual Master Plan. A landowner may choose not to maximize the development potential of a tract of land in the first subdivision application and reserve remaining development rights for a future subdivision application. In this instance, a conceptual master plan showing the location of future lots must be submitted. The conceptual master plan shall include the minimum information required for a sketch plan submission.

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