

# Town of Windham

Planning Department  
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Windham, ME 04062

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## MEMO

DATE: November 21, 2014

TO: Windham Town Council

THROUGH: Tony Plante, Town Manager

FROM: Amanda Lessard, Planner 

Cc: Ben Smith, Director of Planning  
Windham Planning Board

RE: Planning Board Recommendation - Ordinance Amendment – Chapter 140,  
Cluster Subdivision revisions

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At the Planning Board's meeting on November 10, 2014, a public hearing was held on the proposed amendments to the Land Use Ordinance Cluster Subdivision standards to create density bonuses in exchange for public access, reduce dimensional requirements for lots in a cluster subdivision, and allow cluster subdivisions in all residential zoning districts.

No members of the public spoke for or against the proposed amendment.

During Planning Board discussion, it was noted that there may be maintenance, insurance and taxation implications of open space dedicated to public use. Some Board members also commented that the reduction in lot size necessary to qualify for a cluster subdivision would create open space too small for recreation and would fragment habitat.

Following discussion of the proposed changes, the Board made the following motion:

To recommend to the Town Council approval of the proposed cluster subdivision ordinance amendments with consideration to allowing public access to open space.

Motion: Keith Elder

2nd: John Eddy

Vote: 3-1 (Margaret Pinchbeck opposed)

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## MEMO

DATE: October 21, 2014

TO: Windham Planning Board  
FROM: Amanda Lessard, Planner *AL*  
Cc: Ben Smith, Director of Planning  
Land Use Ordinance Committee (LUOC)

RE: Ordinance Amendment – Cluster Subdivisions  
Planning Board Meeting: October 27, 2014

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At the Town Council meeting on October 14, 2014, the Council voted to send the enclosed Land Use Ordinance Committee (LUOC)'s proposed ordinance changes to the Planning Board for review and recommendation.

The goals of these revisions are to make more properties eligible for cluster subdivision design, reduce the length of new streets and reduce the need for associated stormwater treatment, to provide more open space for the Town's benefit, and protect sensitive environmental areas.

### Land Use Ordinance Committee Recommendation to Town Council

At the meeting on September 10, 2014, the LUOC voted on the following motion:

“To send the cluster subdivision ordinance revisions as amended to the Town Council.”

Motion: Jim Cummings

2nd: Jim Cobb

Vote: 4-0

The highlights of these changes are as follows:

### Section 400

- Properties eligible for cluster subdivision design and minimum size of lot to be subdivided
  - Lower the threshold in the Farm Zone from 20 acres to 5 acres.
  - Lower the threshold in the Farm Residential Zone from 10 acres to 5 acres.

- Allow cluster subdivision design in the Light-Density Residential and Medium-Density Residential Zones for properties of at least 5 acres.
- Reductions in lot size and frontage requirements in cluster subdivisions from what is allowed today.
- See attached charts for a summary of the current and proposed dimensional standards for cluster subdivision lots.

## **Section 911.K – Cluster Subdivision Standards**

### Procedure

- Submission of cluster subdivision or standard subdivision plans will be at the discretion of the applicant, rather than the Planning Board.
- A density bonus will be available for subdivisions in which the common open space is open to public use (not just owners of lots within the subdivision) and the open space is accessible to the public, either from an existing public street, the new subdivision street, or abutting open space or conservation land that is open to public use. Note that the applicant may choose to take advantage of this bonus, or choose to keep the land for the owners of the subdivision with no bonus.

### Basic Standards

- The Planning Board may require cluster subdivisions not served by public water to show the locations of septic fields and wells for specific lots when determined to be necessary in order to ensure safe drinking water for each lot. These would be elements of the plan and would require Board approval (an amendment to the plan) for a change in the location of these elements.
- Cluster subdivision streets must be built to a public street standard.
- The requirement for a 50-foot buffer surrounding the subdivision has been removed.
- The buffer requirement of 100 feet between wetlands and any building in the in the subdivision has been removed.
- Up to 30% of the lots or dwelling units may have direct access onto an existing public road.

### Recreation and Open Space Requirements

- At least 50% of the gross land area of the property must be preserved as open space.
  - At least 50% of the developable land must be included in the open space area.
- The requirement to keep the open space “maintained in a usable condition and retained in a natural vegetative state” has been removed to allow for the development of playgrounds, playing fields, courts, and other recreation facilities where appropriate.

## **Zoning Amendment Process**

The Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved.

Draft Cluster Zoning Standards 9-19-14

| <b>Farm (F) zoning district</b> |                 |                 |
|---------------------------------|-----------------|-----------------|
|                                 | <u>Existing</u> | <u>Proposed</u> |
| Min gross land area for cluster | 20 acres        | 5 acres         |
| Min Lot Size                    | 80,000 sf       |                 |
| cluster w/public water          | 30,000 sf       | 30,000 sf       |
| cluster                         | 40,000 sf       | 30,000 sf       |
| Max lot size in cluster         | 50,000 sf       |                 |
| one over                        | 60,000 sf       |                 |
| Open Space Required             |                 |                 |
| cluster w/water                 | 62.5%           | 50.0%           |
| cluster                         | 50.0%           | 50.0%           |
| Min frontage                    | 200 ft          |                 |
| cluster                         | 150 ft          | 100 ft          |
| cluster on cul-de-sac           |                 | 50 ft           |
| Min front setback               | 40 ft           |                 |
| cluster                         | 30 ft           | 25 ft           |
| Min side & rear setback         | 10 ft           |                 |
| cluster                         | 10 ft           |                 |

| <b>Farm Residential (FR) zoning district</b> |                 |                 |
|--|-----------------|-----------------|
|  | <u>Existing</u> | <u>Proposed</u> |
| Min gross land area for cluster              | 10 acres        | 5 acres         |
| Min Lot Size                                 | 50,000 sf       |                 |
| cluster w/public water                       | 20,000          | 20,000 sf       |
| cluster                                      | 25,000          | 20,000 sf       |
| Max lot size in cluster                      | 35,000 sf       |                 |
| one over                                     | 45,000 sf       |                 |
| Open Space Required                          |                 |                 |
| cluster w/water                              | 60.0%           | 50.0%           |
| cluster                                      | 50.0%           | 50.0%           |
| Min frontage                                 | 150 ft          |                 |
| cluster                                      | 100 ft          | 75 ft           |
| cluster on cul-de-sac                        |                 | 50 ft           |
| Min front setback                            | 30 ft           |                 |
| cluster                                      | 25 ft           | 25 ft           |
| Min side & rear setback                      | 10 ft           |                 |
| cluster                                      | 10 ft           |                 |

| <b>Light-Density Residential (RL) zoning district</b> |                 |                 |
|---|-----------------|-----------------|
|   | <u>Existing</u> | <u>Proposed</u> |
| Min gross land area for cluster                       | N/A             | 5 acres         |
| Min Lot Size  | 40,000          |                 |
| cluster w/public water                                |                 | 20,000 sf       |
| cluster   |                 | 20,000 sf       |
| Max lot size in cluster                               |                 | 30,000 sf       |
| one over  |                 | 35,000 sf       |
| Min frontage  | 150 ft          |                 |
| cluster   |                 | 75 ft           |
| cluster on cul-de-sac                                 |                 | 50 ft           |
| Min front setback                                     | 30 ft           |                 |
| cluster   |                 | 25 ft           |
| Min side & rear setback                               | 10 ft           |                 |
| cluster   | 10 ft           |                 |

| <b>Medium-Residential (RM) zoning district</b> |                 |                 |
|--|-----------------|-----------------|
|  | <u>Existing</u> | <u>Proposed</u> |
| Min gross land area for cluster                | N/A             | 5 acres         |
| Min Lot Size                                   | 30,000 sf       |                 |
| standard w/public water                        | 20,000 sf       |                 |
| cluster w/public water                         |                 | 20,000 sf       |
| cluster  |                 | 20,000 sf       |
| Max lot size in cluster                        |                 | 30,000 sf       |
| one over                                       |                 | 35,000 sf       |
| Min frontage                                   | 100 ft          |                 |
| cluster  |                 | 50 ft           |
| cluster on cul-de-sac                          |                 | 50 ft           |
| Min front setback                              | 30 ft           |                 |
| cluster  |                 | 25 ft           |
| Min side & rear setback                        | 10 ft           |                 |
| cluster  | 10 ft           |                 |

Child Care, Family Home. A home used to provide child care in the resident's home on a regular basis, for consideration, for three (3) to twelve (12) children under thirteen (13) years of age who are not the children of the provider. (*See Sec. 500 Performance Standards*)

Clear Zone. The area adjacent to a street (measured from the edge of the travel lane) in which fixed objects or obstructions are not permitted. Fixed objects include, but are not limited to, trees, signs, utility poles, walls, boulders, and mailboxes. (*See Sec. 900 Subdivision Review*)

Club. A group organized for a common purpose, goal, interest, or activity, usually social, religious, cultural or educational in nature, usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, a constitution, and by-laws.

Cluster Subdivision. A form of development that permits a reduction in lot area and bulk requirements, ~~provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development,~~ and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture. (*See Sec. 400 Zoning Districts*) (*See Sec. 900 Subdivision Review*)

Collector Street. See definition of, "Street Classification: Collector Street"

Comprehensive Plan. A document or interrelated documents adopted by the Municipal Officers, containing the elements established under 30-A M.R.S.A. § 4326 sub-1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under 30-A M.R.S.A. §4311 through § 4350.

Complete Substantial Construction. The completion of a portion of the improvements which represents no less than thirty (30) percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Conditional Use. A use which shall be authorized when all of the conditions of Section 513 and other applicable provisions of this Ordinance have been met. (*See "Conditional Use" in Sec. 500 Performance Standards*)

Construction Services. The performance of work or the furnishing of supplies to members of the building trades which requires the storage of materials and/or the location of commercial vehicles on the property of the construction services business. This includes, but is not limited to, plumbing, painting, building, well drilling, carpentry, masonry, or electrical installation.

Controlled Access Street. See definition of, "Street Classification: Controlled Access Street"

**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 513. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Automobile Repair Services, Minor
- 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 Subdivision:
    - (a) All Subdivision lots connected to public water 30,000 s.f.
    - (b) Subdivision served by wells or a private system ~~30,000~~,000 s.f.
  - (3) 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.
  
- (d) Minimum Frontage:
  - (1) Standard (Non cluster) 200 ft.
  - (2) Cluster Subdivision ~~150~~100 ft.
  - (3) Cluster 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 subdivision ~~30~~25 ft.
  - (3) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.
  
- (f) Minimum Side Setback:
  - (1) Standard (Non cluster) 10 ft.
  - (2) Cluster Subdivision: 10 ft.
  
- (g) Minimum Rear Setback:
  - (1) Standard (Non cluster): 10 ft.

- |  |          |
|--|----------|
| (2) Cluster 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, Minor
- (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*)
- (1) Cluster subdivisions shall only be permitted on lots with ~~the following a~~ minimum of 5 acres of gross land area:
    - ~~(i) Lots completely contained by the Farm District 20 acres~~
    - ~~(ii) Lots with area in both the F and FR Districts 20 acres~~
  - (2) Cluster 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.  
~~All Sketch Plan applications for single family subdivisions that are located on a lot with a gross acreage of twenty (20) acres or more shall submit the following:~~
    - ~~(i) One (1) conventional subdivision plan.~~
    - ~~(ii) One (1) cluster subdivision plan.~~
- (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 513. 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 Subdivision:  |                           |
| (i) All subdivision lots connected to public water  | 20,000 s.f.               |
| (ii) Subdivision served by wells or a private system  | <del>25</del> 20,000 s.f. |
| (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 sf.                |
| (d) Minimum Frontage:   |                           |
| (1) Standard (Non cluster)  | 150 ft.                   |
| (2) Cluster Subdivision   | <del>100</del> 75 ft.     |
| (3) <u>Cluster Subdivision, where Frontage is entirely on cul-de-sac</u>  | <u>50 ft.</u>             |
| (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 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 Subdivision:  | 10 ft.                    |
| (g) Minimum Rear Setback:   |                           |
| (1) Standard (Non cluster):   | 10 ft.                    |
| (2) Cluster Subdivision:  | 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 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 502 of the Performance Standards.
- (c) Cluster Subdivision (*See Sec. 900 Subdivision Review*)
- (1) Cluster subdivisions shall only be permitted on lots with ~~the following~~ a minimum of 5 acres of gross land area:
- |   |                       |
|---|-----------------------|
| (i) Lots completely contained by the FR District:   | <del>10.5</del> acres |
| (ii) Lots with area in both the F and FR Districts: | <del>20.5</del> acres |
- (2) Cluster 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.
- ~~All Sketch Plan applications for single-family subdivisions that are located on a lot with a gross acreage of ten (10) acres or more shall submit the following:~~
- ~~(i) One (1) conventional subdivision plan.~~
- ~~(ii) One (1) cluster subdivision plan.~~
- (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 513. 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: 40,000 s.f.
  - ~~(1) Standard (Non cluster) 40,000 s.f.~~
  - ~~(2) Cluster 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.~~
  
- (b) Net Residential Density: 30,000 s.f.
  
- (c) Minimum Frontage: 150 ft.
  - ~~(1) Standard (Non cluster) 150 ft.~~
  - ~~(2) Cluster Subdivision 75 ft.~~
  - ~~(3) Cluster Subdivision, where Frontage is entirely on cul-de-sac 50 ft.~~
  
- (d) Minimum Front Setback: 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.~~
    - ~~(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 Subdivision 25 ft.~~
  - ~~(32) Non-Residential Use: Minimum Landscaped Buffer Strip 15 ft.~~
  
- (e) Minimum Side Setback: 10 ft.
  
- (f) Minimum Rear Setback: 10 ft.
  
- (g) Maximum Building Height: 35 ft.
  - (1) Agriculture, Public Buildings, Church Steeples No Limit

- (h) 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 Subdivision (See Sec. 900 Subdivision Review)
- (1) Cluster subdivisions shall only be permitted on lots with a minimum of 5 acres of gross land area.
  - (2) Cluster 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) 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 513. 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                |
| <u>(3) Cluster Subdivision</u>  | <u>20,000 s.f.</u> | <u>20,000 s.f.</u> |
| <u>(b) Maximum Lot Size in Cluster Subdivision</u>  | <u>30,000 s.f.</u> | <u>30,000 s.f.</u> |
| <u>(1) Cluster Subdivision, one lot within the Cluster subdivision</u>  | <u>35,000 s.f.</u> | <u>35,000 s.f.</u> |
| ( <del>c</del> ) 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                |
| ( <del>d</del> ) Minimum Frontage:  | 100 ft.            | 100 ft.            |
| <u>(1) Cluster Subdivision:</u>   | <u>50 s.f.</u>     | <u>50 s.f.</u>     |
| ( <del>e</del> ) 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.             |
| ( <del>f</del> ) Minimum Side Setback:  | 10 ft.             | 10 ft.             |
| ( <del>g</del> ) Minimum Rear Setback:  | 10 ft.             | 10 ft.             |
| ( <del>h</del> ) Maximum Building Height:   | 35 ft.             | 35 ft.             |
| ( <del>i</del> ) 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 Subdivision (See Sec. 900 Subdivision Review)
  - (1) Cluster subdivisions shall only be permitted on lots with a minimum of 5 acres of gross land area.
  - (2) Cluster 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.
- (de) Medical Office. See “Medical Office” in Section 500 Performance Standards for size limitations.
- (ed) 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

## 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 combined with density bonuses to allow additional lots, in return for setting aside the balance of the property as permanent common open space. ~~However, the overall net residential density of the development remains the same as if the site were developed as a conventional subdivision.~~ In additional 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) Application Requirements. All ~~pre-application/sketch plan~~ submissions for single-family subdivisions ~~in the Farm District and/or the Farm Residential District~~ that meet the space and bulk requirements listed in the appropriate zoning district ~~shall include two (2) sets of subdivision plans. One plan shall reflect a conventional subdivision plan, and the other plan shall reflect a cluster subdivision plan.~~ may be designed as a cluster subdivision.
- ~~(1) Upon review of the two sets of plans, the Planning Board shall review each subdivision plan and determine which plan best addresses the goals and objectives of the Comprehensive Plan with respect to preservation of rural character, open space, and natural resources while ensuring that the proposed development can be served by either existing or planned infrastructure. The Planning Board shall then direct the applicant to submit the selected subdivision plan for further review and consideration.~~
- (b) Property located within more than one residential zoning district. ~~Only the portion of a property that is located within a Farm (F) District or Farm Residential (FR) District may be developed as a cluster subdivision provided that the portion of the property that is located in either the Farm (F) District or Farm Residential (FR) District meets the minimum gross acreage requirements of the 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) 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 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.
- (c) The Planning Board shall allow lots within cluster developments to be reduced from standard subdivision standards as specified in the applicable zoning ~~district.~~ ~~district as long as the maximum number of dwelling units allowed in the applicable zoning district is not exceeded.~~ In return for the reduction in the requirements for lot area, ~~lot width~~ frontage, and structure setbacks, the applicant shall provide common open space.
- (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).
- ~~(e) No building in the cluster development shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.~~
- ~~(f) Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.~~
- (g) Up to 30% of ~~No~~ individual lots or dwelling units ~~shall~~ may have direct vehicular access onto a public road existing at the time of development.
- (h) Streets constructed within a cluster subdivision must meet a public street standard.

- (h) 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.~~ ***Buffer Requirements***

~~A landscaped buffer strip of at least fifty (50) feet shall be required along the existing road frontage, and along the perimeter of the cluster subdivision property.~~

- ~~(a) The required landscaped buffer strip shall be designated as such on the subdivision plan.~~
- ~~(b) A note shall be added to all plans, and deed restrictions shall be placed on all lots that contain a portion of the landscaped buffer strip, stating that the required fifty-foot landscaped buffer strip shall be maintained in a natural vegetative state and shall not be cut, except for the creation of pedestrian trails and/or the removal of dead, diseased or storm-damaged trees, stormwater infrastructure, or other item the Board deems appropriate as long as it doesn't block pedestrian trails.~~
- ~~(c) The Planning Board may require supplemental plantings within the required fifty-foot landscaped buffer strip when it finds that the existing vegetation in some or all areas of the buffer does not provide adequate buffering of the cluster development, or when there is no vegetation present.~~
- ~~(d) The required landscaped buffer strip may be a portion of the common open space and/or a portion of any lot, however, all building /structure setbacks shall be ten (10) feet from the interior edge of the buffer strip and this required setback shall be reflected on the recorded subdivision plan.~~
- ~~(e) There shall be no storage of items, such as, but not limited to, snowmobiles, boats, trailers, campers, motorhomes, and ATV's in the landscaped buffer strip area; and, the placement of satellite dishes, septic systems and/or wells is also prohibited within the landscaped buffer strip area.~~

#### ***54. Recreation and Open Space Requirements***

- (a) The open space provided by the cluster subdivision shall be identified on the recorded subdivision plan as "Common Open Space - Reserved for Recreation and/or Conservation Purposes".
- (b) The total area of reserved open space within the development shall equal or exceed ~~the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance~~ 50% of the gross land area of the property to be subdivided.

- (1) Common open space shall not include road rights of way, streets, drives, or parking.
- (2) ~~No more than fifty percent~~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, ~~shall consist of forested wetlands or open wetlands of any size.~~
- (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, ~~which shall not exceed fifty (50) percent of the total open space area.~~ 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.
  - (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 open 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, ~~including the required fifty (50) foot buffer 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, ~~including the required buffer strip of fifty (50) feet along the perimeter of the property,~~ 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.
  - ~~(2) The land area designated as common open space shall be maintained in a usable condition and retained in a natural vegetative state.~~

#### L. Compliance with Timber Harvesting Rules

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to 12 M.R.S.A § 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate