

Cluster Development Ordinance
Discussion Draft – WSH Revised 11-12-20

Article II, Section C. Definitions (insert at the appropriate place)

Cluster Development a conditional use which allows for homes proposed within a subdivision or a section of a subdivision to be clustered or concentrated more densely onto one or more portions of the parcel rather than on a one house per lot basis, as long as the total density requirement for the subdivision or parcel is not exceeded.

R. CLUSTER DEVELOPMENT

(1) Purpose:

The purpose of this section is to allow for flexibility in the design and layout of single-family housing within a subdivision, provided that the net residential density shall be no greater than is permitted in the zone in which the development is proposed and to promote the conservation of dedicated common open space. All layout, dimensional, and area requirements contained in this ordinance or the town's subdivision review standards may be altered by the Planning Board, except height limitations.

(2) Basic Requirements: Cluster developments shall meet all the following criteria:

(a) Dimensional Exemptions: All developments shall meet the Long Island Subdivision regulations but are exempt from this ordinance's requirements relating to minimum lot size, property line setbacks and street frontage. The total area of reduction on lot sizes below the required minimums shall be at least equal to the amount of dedicated common open space and in developments located in the Rural Zones the dedicated common open space shall be equal to or exceed 50% of the total acreage in the development.

(b) Minimum Acreage: The minimum area of land in a cluster development shall be 120,000 square feet.

(c) Master Plan Required: The site plan shall identify the location of all proposed roads, structures, parking areas, footpaths, common open space, and private yard space related to individual dwelling units. Only cluster developments having a total site master plan will be considered.

(d) Net Density Calculations: To determine the maximum number of dwelling units permitted on a tract of land, the total square footage allowed to be included in net density calculations, shall be divided by the minimum lot size otherwise required in the district.

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(e) Preservation of Natural Resources: On any parcel encompassing 5 or more acres of important natural resources, noted as existing farmland soils, open fields or pasture, or registered tree growth woodland, the dwelling unit layout shall be clustered on such land to the most practical extent, so that at least 90% of the important natural resources remain as undeveloped.

(f) Soil Survey: The extent of soil types shall be delineated by a Registered Soil Scientist, licensed in the State of Maine, on a soil survey map.

vii. Very Poorly Drained Soils: No dwelling unit shall be constructed on soil classified as being "very-poorly" drained.

(g) Shoreline Access: Where a proposed cluster development abuts a watercourse or waterbody, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

(h) Water Supply: Dwelling units in a cluster/planned unit development may have individual water supplies or may be connected to a common water supply and distribution system, either public or private, at no expense to the municipality. Applicants shall provide an analysis that is satisfactory to the Planning Board that the water supply / supplies will be:

- i. protected from contamination and
- ii. able to provide adequate supply.

(i) Subsurface Wastewater Disposal Systems: Approval of the developer's application shall be subject to presentation of a completed site evaluation form (HHE-200) in accordance with the State of Maine Subsurface Wastewater Disposal Rules, which provide evidence of adequate soil conditions for sewage disposal.

The Planning Board may allow individual wastewater disposal systems (SWDS) based on the submission of a hydrogeologic assessment and feasibility analysis which indicates that the cumulative output from the individual systems will not adversely impact groundwater quality. The septic tank and leaching field systems serving the individual structures within the cluster development shall be entirely located on the same parcel as the cluster development and shall be installed pursuant to rules adapted under Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211.

The Planning Board may allow for private sewage collection and disposal systems serving multiple single family homes, provided that:

- i. The common leaching facility is located on a separate lot large enough to include a standby disposal area equal in size to the original; and

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- ii. The design of the sewage collection and disposal system is prepared by a registered professional engineer and is approved by the Maine Department of Human Services; and
- iii. The leaching facility is located at least 300 feet from any private well; and
- iv. Every single family home connected to the sewage collection and disposal system shall have a deed covenant noting the financial obligation of the owner to pay the pro-rata share of all system maintenance, repair and replacement.

(j) Landscape Buffers: The development shall be designed with a continuous landscaped area which shall contain no structures. This buffer where it abuts developed residential lots shall contain evergreen shrub, trees, fences, walls or any combination which forms a reasonable visual barrier.

3. Dedication and Maintenance of Common Open Space:

(a) Covenant Restrictions: The common open space land shall be jointly owned in common by the owners of the dwelling units or lots invested in an association. Covenants for mandatory membership in the association, setting forth the owner's rights and interests, shall be included in the deed for each lot or dwelling.

(b) Use of Common Land: The common land shall be restricted to recreation, conservation or agricultural purposes. Structures accessory to non-commercial recreational, conservation or agricultural uses may be erected on the common land, subject to approval by the Planning Board.

(c) Restrictions of Common Open Space: The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:

- i. Further subdivision of common land is prohibited and it shall not be used for future residential building lots; and that,
- ii. A part of or all of the common open space may be dedicated for acceptance by the Town for operation as a municipal recreation facility.

(d) Bylaws: The by-laws of the proposed neighborhood association shall specify maintenance responsibilities for the common lands.

(e) Maintenance Fees: The association shall levy annual charges against all dwelling owners to defray the expenses connected with the maintenance of open space, neighborhood recreational facilities and other assessments.

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(f) Developer Responsibility for Common Land Maintenance: The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until at least 50% but not more than 75% of the lots or houses are sold.