

**Proposed Revisions by Ralph & Meredith Sweet to Proposed
Changes to Article 11 Subdivisions to Permit Cluster Subdivision
Development**

Note that proposed revisions are show in **RED**.

**Proposed revision: Cluster Development Ordinance Discussion Draft -
November 16, 2020**

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 **sum of the square footages required by the planned number of individual clustered houses does not exceed the total square footages of the lots required by the same number of individual residential homes on lots in a non-cluster housing development.**

R. CLUSTER DEVELOPMENT

1.Purpose:

The purpose of this section is to allow for **single family homes to be designed in accordance with the laws and ordinances of this State and Municipality regarding single family residences in urban residential zones and have flexibility in layout of the clustered houses within the Cluster Development. The intent is to preserve and promote** the conservation of common open space for use by the owners of the

**Proposed Revisions by Ralph & Meredith Sweet to Proposed
Changes to Article 11 Subdivisions to Permit Cluster Subdivision
Development**

properties in the Cluster Development and the public in general. All layout, dimensional, and area requirements contained in this ordinance or the town's subdivision review standards may be altered by the Planning Board through due process.

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, setbacks **from abutters' property lines** and street frontage. The total area of reduction **in lot size of each of the clustered houses** below the required minimums **defined by the Town of Long Island's ordinances controlling homes in Urban Residential Zones in non-Cluster Developments** shall be **equal to or greater than** the amount of dedicated common open space and in developments located in the Rural **Residential 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.

**Proposed Revisions by Ralph & Meredith Sweet to Proposed
Changes to Article 11 Subdivisions to Permit Cluster Subdivision
Development**

- 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 a Rural Residential Zone.**
- e. Preservation of Natural Resources: On any parcel **that includes** important natural resources, noted as **water shed areas, ponds, seasonal ponds, wetlands, protected animal habitat, protected plants,** existing farmland soils, open fields or pasture, or registered tree growth woodland, the dwelling unit layout shall be clustered on such land **so as to completely avoid** these areas.
- f. Soil Survey: The extent of soil types **and wetlands** shall be delineated by a Registered Soil Scientist, licensed in the State of Maine, on a soil survey map.
- g. **Deleted.**
- h. Shoreline Access: Where a proposed cluster development abuts a watercourse or waterbody, **that** portion of the shoreline, as well as reasonable access to it, shall be **deeded to the Town of Long Island as a public right of way and** a part of the common land.
- i. 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 **documentation certifying to the Planning Board** that the water supply / supplies will be:
- 1) protected from contamination and 2) able to provide adequate supply **for the intended uses.**

**Proposed Revisions by Ralph & Meredith Sweet to Proposed
Changes to Article 11 Subdivisions to Permit Cluster Subdivision
Development**

j. 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 **subsurface** 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 **nor the satisfactory functioning of any other home's SWDS. Individual home's septic tanks or a cluster use tank and the associated** leaching field system 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.

1. The design of the sewage collection and disposal system **shall be** prepared by a registered professional engineer and **be** approved by the Maine Department of Human Services; and
2. The leaching facility is located at least 300 feet from **every** private well **and the joint Cluster Development well**; and
3. Every single family home connected to **an individual septic tank or the joint Cluster Development's septic tank, and then to the leaching facility** shall have a deed covenant noting the financial obligation of the owner to pay the pro-rata

**Proposed Revisions by Ralph & Meredith Sweet to Proposed
Changes to Article 11 Subdivisions to Permit Cluster Subdivision
Development**

share of all the Cluster Development's sewage collection and disposal system maintenance, repair and replacement.

k. Landscape Buffers: The development shall be designed with a continuous landscaped area at least 25 feet wide which shall contain no structures. This buffer where it abuts developed residential lots shall contain evergreen shrub, trees, fences, or any combination which forms a 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 and 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 and 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:

1) Further subdivision of common land is prohibited and it shall not be used for future residential building lots; and that,

**Proposed Revisions by Ralph & Meredith Sweet to Proposed
Changes to Article 11 Subdivisions to Permit Cluster Subdivision
Development**

- 2) 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 **and lot** owners to defray the expenses connected with the maintenance of open space, neighborhood recreational facilities and other assessments.
- 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 **and repair** until at least 50% but not more than 75% of the lots or houses are sold.