

**Proposed Amendment to Land Use Ordinance Article 11  
Subdivisions to Allow Cluster Housing Development  
Approved : 2021-04-10**

Article 11, Section C. Definitions (insert at the appropriate place)

**Cluster Development** a zoning method which allows for detached single-family homes within a subdivision or a section of a subdivision to be clustered or concentrated more densely onto one or more portions of a proposed subdivision than would otherwise be permitted under a zoning district's minimum lot size requirement.

At the end of Article 11, insert the following

R. CLUSTER DEVELOPMENT

(1) Conditional Use:

The inclusion of cluster development within a subdivision or portion of a subdivision is allowed only upon the issuance of a conditional use permit by the Planning Board and is subject to any conditions, standards, or requirements the Board may impose.

(2) Purpose:

The purpose of this section is to allow for flexibility in the layout of detached, single family homes within a subdivision, or a portion of a subdivision, that allows for the construction of homes on smaller lots in order to provide expanded housing opportunities in the Town of Long Island while promoting the conservation of common open space within the subdivision for use by subdivision residents and the general public.

(3) Requirements:

**Proposed Amendment to Land Use Ordinance Article 11**  
**Subdivisions to Allow Cluster Housing Development**  
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(A) The area of land in a proposed cluster development is a single lot of not less than 120,000 square feet;

(B) The proposed development meets all relevant zoning district standards under Article 3, general provisions under Article 5, townwide performance standards under Article 7, and the provisions of Article 11, with the exception of:

- (1) Minimum lot size,
- (2) Minimum side setbacks,
- (3) Maximum lot coverage,
- (4) Minimum lot width,
- (5) Street frontage, and
- (6) Minimum number of lots in a proposed subdivision;

(C) The proposed common open space within the subdivision shall be equal to or exceed 50% of the total acreage in the cluster development subdivision or section of a proposed subdivision;

(D) The number of dwelling units shall be no more than the total acreage allowed to be included in net density calculations, less the land needed for road rights of way, divided by the minimum lot size otherwise required in the residential zone in which the proposed subdivision is to be located;

(E) The cluster development subdivision or portion of the subdivision is designed with a continuous landscaped border which shall contain no structures, although

**Proposed Amendment to Land Use Ordinance Article 11  
Subdivisions to Allow Cluster Housing Development  
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the buffer may contain evergreen shrub, trees, fences, in combination to form a visual barrier.

(F) The extent of soil types and wetlands within the proposed cluster development have been delineated by a Registered Soil Scientist, licensed in the State of Maine, on a soil survey map.

(G) The cluster development carries a requirement for a development neighborhood association. The association shall levy annual charges against all individual property owners for the maintenance of common lands, neighborhood recreational facilities, a common septic system, if applicable, and other purposes as determined by the Planning Board.

(4) Application

In addition to the information required under 11.E, an application for cluster development must include a copy of the following documents:

(A) Master Plan

(1) identifies the location of all proposed roads, structures, parking areas, footpaths, common open space, and private yard space related to individual dwelling units, utilities, easements, if any, wells and water feeds to dwelling units, septic systems and a secondary location for a common leaching facility, and vehicular access to the common area, if needed;

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(2) shows proposed common open space with appropriate notation on the face thereof to indicate that further subdivision of common land is prohibited and shall not be used for future residential building lots, and

(3) provides that a portion or the entirety of the common open space may be dedicated for acceptance by the Town for operation as a municipal recreation facility.

(B) neighborhood association

(1) Covenants for mandatory membership in the association, setting forth the owner's rights and interests, that shall be included in the deed for each lot and dwelling;

(2) The maintenance responsibilities for the common lands and the annual levies that shall be charged against all dwelling and lot owners to defray the expenses connected with the maintenance of common facilities and open space; and

(3) deed covenant noting the financial obligation of the owner to pay the pro-rata share of common sewage collection and disposal system maintenance, repair and replacement.

(3) 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 public. The subdivider or applicant

**Proposed Amendment to Land Use Ordinance Article 11**  
**Subdivisions to Allow Cluster Housing Development**  
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shall provide documentation certifying that the water supply will be protected from contamination and able to provide adequate supply for the intended uses.

(4) Subsurface Wastewater Disposal Systems:

(A) Approval of the subdivider or applicant'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 provides evidence of adequate soil conditions for sewage disposal.

(B) 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 functioning of any other home's SWDS.

(C) Individual home septic tanks or a cluster use tank and the associated leaching field system serving the structures within the cluster development shall be entirely located within 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.

(D) The design of a sewage collection and disposal system shall be prepared by a registered professional engineer and be approved by the Maine Department of Human Services; and

**Proposed Amendment to Land Use Ordinance Article 11**  
**Subdivisions to Allow Cluster Housing Development**  
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(E) The common leaching facility shall be located on a portion of the development large enough to include a replacement disposal area no less than equal in size to the original.

(5) Common Open Space:

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 so as to minimize impact on those areas.

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.

The subdivider or applicant shall maintain control of such common 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.