

Final Draft 10-1-18

Presented to the Annual Town Meeting of the Town of Lamoine, March 20, 2019 – The following language shall replace Section 13 of the Building and Land Use Ordinance dated May 6, 2018:

SECTION 13. CLUSTER DEVELOPMENT STANDARDS

- A. Purpose. The purpose of the cluster development standards is to encourage new concepts of housing development with variations of design that will result in:
1. permanently protected open space and recreation areas;
 2. the preservation of trees, outstanding natural topography and rare natural features, and the prevention of soil erosion;
 3. a development in harmony with surrounding topography and development; and
 4. a development more creatively designed than would be possible through strict application of other sections of the ordinance
- B. Basic Requirements
1. The uses of the land shall not differ from uses permitted in the district in which the land is located.
 2. Unless otherwise provided for in this Section 13, all application procedures, review standards, and issuances of permits for Cluster Housing shall meet all requirements of Section 12. Subdivisions.
 3. The minimum area of land in a cluster development shall be ten (10) acres.
 4. Any lot in the development abutting a public road shall have a minimum frontage and minimum area no less than normally required in the district. For lots abutting other than public roads, lot road frontage and lot area may be reduced by not more than 50% of the requirements of the district in which the development is located. A minimum road frontage of 75 feet is allowed on lots fronting on a cul-de-sac.
 5. The Planning Board, at its discretion, may reduce minimum front, side and rear setback requirements.
 6. The total area of common open space within the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the district in which the development is located.
 7. Further subdivision of common open space or its use for purposes other than those noted in C (8) below, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to permitted open space uses may be erected on the common land, subject to Planning Board approval.
 8. Each building shall be an element of an overall site development plan. The plan shall identify the location of all proposed roads, structures, parking areas, footpaths, common open space, and private yard space reserved to individual dwelling units. Only developments having such a plan will be considered for a permit. In presenting such a plan, the developer shall take into consideration all requirements of this Section 13 and of other relevant sections of this ordinance.
 9. The Planning Board may approve or deny the cluster development plan. Approval of the development plan does not eliminate the necessity for Planning Board approval based on Subdivision standards prior to the issuance of a permit.

Any development contrary to the approved development plan shall constitute a violation of this ordinance.

C. Site Considerations

The Cluster Development plan shall comply with the following site considerations:

1. Orientation
Buildings and other improvements shall be oriented on the site so as to preserve scenic vistas and significant natural features of the parcel.
2. Roads
Access from public ways, internal circulation, and parking areas shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, road maintenance, delivery and collection services.
3. Drainage
Adequate provision shall be made for management of stormwater runoff, with particular concern for the effects of effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.
4. Sewage Disposal
All structures in the development with required plumbing shall be connected to a private central collection and treatment system or individual septic systems in accordance with standards set forth in the State of Maine Plumbing Code. The developer shall demonstrate clearly to the Planning Board that:
 - a. adequate soils and land area are available at all locations proposed for the central system and/or to the individual septic systems;
 - b. the proposed system(s) shall not adversely affect ground water supplies which are currently used as a water source for any existing development.
5. Water Supply
 - a. All dwelling units shall be connected to a common water supply and distribution system unless the developer demonstrates to the Planning Board that:
 - (1) adequate ground water is available at all locations proposed for individual water supplies; and
 - (2) groundwater source(s) proposed for individual water systems is safe from both on-site and off-site contamination;
 - b. The development shall provide for any special needs for fire protection as required in Section 12. I
6. Utilities
 - a. All utilities shall be installed underground unless specifically exempted by the Planning Board.
 - b. Transformer boxes, pumping stations and meters shall be located so as to be neither unsightly nor hazardous to the public.
7. Buffering
Planting, landscaping, disposition and form of buildings, fencing, and screening shall be used to integrate the proposed development with the landscape and the character of any surrounding development.

8. Common Open Space

The following provisions shall apply:

- a. The required minimum acreage of land dedicated as common space shall not include land described in Section 3.D of this ordinance as not suitable for development, excepting wetlands, which may comprise as much as 50% of the designated common space.
- b. Common open space usage may include, but is not limited to, recreation (playing fields, hiking or skiing trails, playgrounds, etc.), ornamentation (garden, park areas, etc.), protection of natural resources (deer yards, wetlands, eagle nest sites, timber stands, etc.), or scenic views, or common access to the coast, or common protection, such as a fire pond. The use of open space may be further limited or controlled at the time of final subdivision approval where necessary to protect adjacent properties.
- c. The common open space shall be accessible to all residents of the development.
- d. Where a planned unit development or cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.
- e. Whenever possible, at least a portion of the open space shall be located adjacent to the existing public road(s) serving the development so as to preserve a rural appearance from such roads.
- f. Common open space shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose(s) it is intended. Covenants and other legal arrangements shall specify ownership of the common open space, responsibility for maintenance and liability for payment of property taxes. The developer shall submit to the Planning Board proposed language for incorporation into deeds, recorded plans and declarations designed to ensure the integrity, protection and maintenance of common open space. Such language shall be subject to the approval of the Town Attorney to ensure that it will accomplish its intended purposes.

Signed this 7th day of February, 2018 by:

/s/ S. Josephine Cooper
/s/ Nathan Mason, Chair
/s/ Gary McFarland
/s/ Kathleen Rybarz

The Lamoine Board of Selectmen