

LUO 9.3.12 Proposed Amendments to Cluster Development Version 3.0 July 21, 2021

4.5 MANDATORY CLUSTER SUBDIVISION

All residential subdivisions of ~~more than 4 lots~~ five (5) lots or more shall be clustered in accordance with Section 9.3.12, unless the Planning Board determines that that an alternative design is more appropriate for conformance with the terrain, septic and soil suitability, open space preservation, and conservation rural landscapes as defined by the Arundel Comprehensive Plan

9.3.12 CLUSTER DEVELOPMENT/PLANNED UNIT DEVELOPMENT

1. Purpose

The purpose of these provisions is to allow for flexibility in design and layout of housing developments, provided that the net residential density shall be no greater than is permitted in the District 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/planned unit developments shall meet all the following criteria:

- a. **Minimum Acreage:** The minimum area of land in a cluster/planned unit development shall be 6 acres.
- b. **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 developments having a total site master plan will be considered.
- c. **Submission of Cluster and Conventional Designs:** Applicants shall provide a Sketch Plan for both a conventional and a cluster treatment of a project in order for both the applicant and the Board to determine which design approach best fits the land.
- d. **Net Density Calculations:** To determine the maximum number of dwelling units permitted on a tract of land, the total acreage allowed to be included in net density calculations less the land needed for road rights of way, shall be divided by the minimum lot size normally required in the district.
- e. **Dimensional Exemptions** All cluster and PUD developments shall conform to the standards of the Arundel Subdivision Regulations, but can be exempt from the minimum lot size, property line setbacks, and street frontage required by the Land Use Ordinance. Lot sizes may be reduced, however the total area of lot reduction below the zoning minimum shall be transferred into dedicated and common open space having reasonable utility to the residents of the proposed development. In the R3 and RC districts, the amount of dedicated open space shall equal or exceed 50% of net residential acreage, but may be reduced at the discretion of the Planning Board to no less than 25% contingent upon the conformance of the project design to the inherent quality of the existing land and landscape, neighborhood character, scale and context, provision of project amenities that provide reasonable utility to the project residents; contiguousness and connections to open spaces and trail systems within and/or adjacent to the project; preservation of unique environmental, cultural, or scenic features;

- f. **Minimum Lot Sizes:** Minimum lot sizes shall be determined by the Planning Board based on such factors as, conformance with the natural contours of the land, useable yard area, privacy, soil stability and suitability for septic disposal, adequate locations for primary and reserve septic fields in relation to well locations, setbacks from roads, topography and buffers from incompatible uses or views. The lot configuration shall be designed to permit adequate space for septic system, well, and useable yard area of reasonable size surrounding the dwelling unit location.
- g. **Maximum Lot Size Reduction:** Lot area reductions for a cluster development shall be based on the soil drainage classifications and capacity of the existing soils to both remove biological and nutrient contaminants from the septic effluent and to effectively recharge groundwater supplies on the site.
- 1) Drainage classifications for Soil Types found in Arundel and York County are listed in Table 12-1 and the maximum percentage of lot size reduction for each of the soil drainage classes is contained in Table 12-2.

Table 12-1
Soil Drainage Classifications

| <u>Class 1</u> | <u>Class2</u> | <u>Class 3</u> | <u>Class 4</u> | <u>Class 5</u> | <u>Class 6</u> |
|--|-------------------------|-------------------------------|--|---------------------------|--------------------------------|
| <u>Excessively/ Somewhat Excessively Drained</u> | <u>Well Drained</u> | <u>Moderately Drained</u> | <u>Somewhat Poorly Drained</u> | <u>Poorly Drained</u> | <u>Very Poorly Drained</u> |
| <u>Adams</u> | <u>Allagash</u> | <u>Buxton</u> | <u>Brayton</u> | <u>Brayton</u> | <u>Biddeford</u> |
| <u>Colton</u> | <u>Becket</u> | <u>Croghan</u> | <u>Buxton</u> | <u>Naumburg</u> | <u>Chocorua</u> |
| <u>Hermon</u> | <u>Hermon</u> | <u>Elmwood</u> | <u>Naumburg</u> | <u>Ravnham</u> | <u>Saco</u> |
| <u>Lyman</u> | <u>Marlow</u> | <u>Madawaska</u> | | <u>Rumney</u> | <u>Sebago</u> |
| | <u>Ondawa</u> | <u>Peru</u> | | <u>Scantic</u> | <u>Sulfihemists</u> |
| | | <u>Podunk</u> | | | <u>Vassalboro</u> |
| | | <u>Scio</u> | | | <u>Waskish</u> |
| | | <u>Skerry</u> | | | |
| | | <u>Westbury</u> | | | |
| | | <u>Winooski</u> | | | |

- 2) On proposed lots containing multiple soil classes, the drainage classification that constitutes more than 50% of the proposed lot area shall be the designated soil classification of that lot.
- 3) No lot in the R1 district shall be reduced to an effective area less than 25,000 sf.

Table 12-2
Maximum Lot Area Reduction based on Dominate Soil Type

| <u>Soil Classification</u> | <u>Maximum Lot Reduction</u> |
|----------------------------|---------------------------------------|
| Class 1 | 50% but no less than 25,000 SF |
| Class 2 | 67% but no less than 25,000 sf |
| Class 3 | 50% but no less than 25,000 sf |
| Class 4 | 25% but no less than 30,000 SF |
| Class 5 | 0% |
| Class 6 | Not buildable |

- h. Bonus Lots:** The Planning Board may limit the number of additional lots that can be realized from a cluster design that would otherwise not be feasible with a conventional layout. The Planning Board may also award bonus lots for cluster designs in which incorporate tracts of open pasture visible from public roads, farmland of national or statewide significance, scenic rock outcrops, stands of scenic trees or vegetation, waterfront views or character areas-landscapes that embody Arundel's rural character, particularly if visible from public roads, byways and spaces.
- i. 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. **Multi-Family Unit Limitations:** No single group of dwellings which are attached either horizontally or vertically shall contain more than four (4) dwelling units. Residential structures, including mobile homes, shall not be located closer than 30 feet to each other.
- j. Soil Survey:** A high- intensity soil survey shall be delineated by a Registered Soil Scientist, licensed in the State of Maine, on a soil survey map.
- k. Very Poorly Drained Soils:** No dwelling unit shall be constructed on soil classified as being "very-poorly drained". **Septic System Soils:** No septic system in a cluster development shall be constructed on soil classified as being very poorly or poor drained soils. "Somewhat Poorly drained soils" shall also be prohibited for septic system locations unless a certified system can be designed, approved and installed by a professional designer and certifying that it will work under these soil conditions. ~~except may be used for septic system locations only if pre-treatment is designed installed.~~
- l. Shoreline Access:** Where a cluster/planned unit 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~~ open space.
- m. 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 Town Planner, Staff Review Committee or the Planning Board as appropriate, that the water supply / supplies will be:
- 1) protected from contamination, and
 - 2) able to provide adequate supply; and

- 3) Will not draw down the water table to the recharge detriment of the underlying aquifer of adjacent watercourses or waterbodies.
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- 4) protected from contamination, and
 - 5) able to provide adequate supply; and
 - 6) Will not draw down the water table to the recharge detriment of the underlying aquifer of adjacent watercourses or waterbodies.
- o. **Common Septic System:** All structures with plumbing in a cluster/planned unit development shall be connected to a public sanitary sewer system, if available, or to a central collection and treatment system in accordance with Section 5.15 Sanitary Provisions of this Ordinance. The Planning Board may allow individual wastewater disposal systems where soil types are conducive to high density development, substantiated by ~~based on~~ the submission of a hydrogeologic assessment and feasibility analysis which indicates that the individual systems will not adversely impact the groundwater quality. A certified system shall be designed, approved and installed by a professional designer and certifying that it will work under these soil conditions.

- ~~0) Protected from contamination, and~~
- ~~0) Able to provide adequate supply; and~~
- ~~0) Will not draw down the water table to the recharge detriment of the underlying aquifer of adjacent watercourses or waterbodies.~~

~~q.~~ **Landscape Screening/ Buffers:** ~~In the R1, the DB1, and other urbanized sections of Town, the Board Landscape Screening/ Buffers: In the R1, the DB1, and other urbanized sections of Town, the Board Landscape Screening/ Buffers: In the R1, the DB1, and other urbanized sections of Town, the Board Landscape Screening/ Buffers: In the R1, the DB1, and other urbanized sections of Town, the Board Landscape Screening/ Buffers: In the R1, the DB1, and other urbanized sections of Town, the Board Landscape Screening/ Buffers: In the R1, the DB1, and other urbanized sections of Town, the Board~~

~~s-p.~~ **Landscape Screening/ Buffers:** In the R1, the DB1, and other urbanized sections of Town, the Board ~~will~~ shall require a well-designed landscape screen and entrance consisting of trees, shrubs, fencing, and/or exposed ledge that enhance the visual appearance of the project, all proposed vegetation shall be native to this region of the state and take into consideration grade and topography of the area being buffered. The exterior perimeter of the development shall be designed with a continuous landscaped ~~area~~ buffer not less than fifty (50) feet in width, owned in common by the Homeowner's Association or conveyed to an existing land trust organization, and maintained to form an effective visual barrier to observation from external properties, dwellings, and streets.

In the R3 and R4 districts, the perimeter buffer shall be provided along the front road excepting openings ~~which shall contain no structures.~~ The Planning Board may permit the width of the buffer strip to be reduced to thirty (30) feet in situations where the applicant can conclusively demonstrate that topography, existing vegetation, fences, landscaping, or any combination thereof, can achieve a

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range of 75-90% 95% visual blockage from exterior properties at the time of installation. The first twenty five (25) feet of the buffer strip, as measured from the exterior boundaries of the development shall contain evergreen shrub, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the development, except that Streets or driveways shall be exempt from the landscape buffer requirement at the intersection in order to provide visibility for vehicles entering and leaving the development. Walking paths may be permitted to weave through the landscape buffer area to provide recreational amenities for the residents.

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/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 strictly accessory to non-commercial recreational, conservation or agricultural uses may be erected on the common land.
- 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,
 - 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 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 until at least 50% but not more than 75% of the lots/units are sold.
- g. **Linkages to Open Space:** Where feasible, dedicated open spaces shall abut open spaces on adjacent parcels.
- h. **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,
 - 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, or by the Arundel Conservation Trust
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4. Waiver from Mandatory Cluster Development Requirements:

Mandatory Cluster Subdivisions may be waived by the Planning Board in the RC (Rural Conservation) District provided the following standards are met:

1. All proposed lots shall be a minimum of **5** acres in area.
2. Lots securing legal road frontage from an existing public street shall maintain an undisturbed vegetative strip at least 75 feet in width along the road. Where no suitable buffering vegetation exists along the public road, new buildings shall be located within interior wood lines, topographic defilades, or areas where the buildings do not serve as a focal point from the public street.
3. Existing pastureland and non-wooded lands should be preserved, especially along the viewshed from the road.
4. Farmland soils ranked by the USDA as being of national or statewide significance greater than 1 acre in contiguous area shall be preserved, unless infeasible to utilize due to access or geometry.
5. All lots shall never be further subdivided.