

CHAPTER 1A, SECTION IV. A. – CLUSTERED RESIDENTIAL DEVELOPMENT

CLUSTERED RESIDENTIAL DEVELOPMENT
(MUST BE SUBMITTED WITH SUBDIVISION APPLICATION)

SHOW NET RESIDENTIAL CALCULATIONS HERE:

The proposed plan:

1. conforms with the purpose and intent of the Gorham Land Use Code and complies with all state and local codes
2. treats each building as an element in an overall plan for site development
3. The overall density does not exceed the net residential density permitted in the district
4. provides residual open space to be used for and dedicated to:
 - recreational
 - other outdoor living purposes; that is dedicated to recreational and environmental enhancement; that is:
 - accessible to residents of the development;
 - usable for low intensity recreational uses (picnicking, walking, fishing, swimming, cross-country skiing, etc.)
5. includes designs for:
 - a. building orientation (respects scenic vistas and natural resources)
 - b. streets, paths, roads, service and parking areas(safety, convenience)
 - c. drainage/erosion/stormwater
 - d. sewage disposal
 - e. adequate water supply (including fire protection)
 - f. underground utilities (very strongly encouraged)
 - g. recreation facilities
 - h. buffering/landscaping
 - i. building/locations (provide for natural light and ventilation.

6. OWNERSHIP IS:

- Single
 - Joint ownership
7. includes a dedication of common open space and a notation on the plan that reads: "There shall be no further subdivision of this land, nor building constructed upon it without further Planning Board approval and which would cause the net residential density to exceed the density permitted in the () District."
 8. delineates common open space on the plan and includes the following plan notes:
 - a. "The common open space shall not be used for future building lots" or
 - b. "The common open space on this plan shall be dedicated to the Town for operation as a municipal recreational facility."
 9. provides for a Homeowners Association to oversee privately owned common open space
 10. provides covenants for mandatory membership
 11. assigns the Homeowners Association with the responsibility for maintenance and operation of common facilities
 12. establishes a mechanism to cover costs of maintenance of common area
 13. provides for the developer to maintain control and be responsible for the maintenance of common areas until development sufficient to support the Association has occurred.

Excerpt from the Gorham Land Use and Development Code

SECTION IV - RESIDENTIAL

A. CLUSTERED RESIDENTIAL DEVELOPMENT

A Cluster Residential Development is a form of development which allows a developer to create smaller lots than required by the applicable zoning district regulations in return for setting aside a portion of the tract as permanent open space owned and maintained jointly by the individual lot owners. The net residential density of the site shall remain the same as if the site were developed as a conventional subdivision. Each dwelling unit in a cluster residential development shall be placed on a separate lot whether the dwelling unit is a single-family dwelling or part of a two-family or multi-family dwelling. The Planning Board may approve requests for cluster residential developments if it finds that the proposal conforms to the criteria listed below and is the best development form for the site.

Notwithstanding other provisions of this Code relating to space and bulk, the Planning Board in reviewing and approving proposed residential developments located in Gorham, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

Innovative approaches to residential layout and environmental design shall be subject to the following criteria:

- 1) The purpose and intent of this Land Use and Development Code shall be upheld.
- 2) There shall be compliance with all State and local codes and ordinances.
- 3) Each building shall be an element of an overall plan for site development.
- 4) There shall be no approval of any proposed development which exceeds the allowable net residential densities permitted without appeal in the district in which it is located.
- 5) Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.

The common open space shall be accessible to the residents of the project. At a minimum, this use may include such activities as walking, picnicking, fishing, swimming, cross country skiing, and other low intensity recreational uses unless otherwise provided for in the Planning Board approval.

- 6) The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal:
 - a) Orientation: buildings and other improvements shall respect scenic vistas and natural features.

- b) Streets: access from public ways, internal circulation and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, delivery and collection services. Streets shall be laid out and constructed consistent with local requirements.
 - c) Drainage: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.
 - d) Sewage Disposal: adequate provision shall be made for sewage disposal, and shall take into consideration soil conditions and potential pollution of surface or ground waters.
 - e) Water Supply: adequate provision shall be made for both ordinary use as well as special fire needs.
 - f) Utilities: all utilities shall be installed underground wherever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.
 - g) Recreation: facilities shall be provided consistent with the development proposal.
 - h) Buffering: planting, landscaping, disposition and form of buildings and other improvements, or fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.
 - i) Disposition of Buildings: shall recognize the need for natural light and ventilation.
- 7) For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.
 - 8) Before the recording of final subdivision plans, or as a condition of final subdivision approval, the Planning Board shall require and accept in accordance with the standards adopted by ordinance, an improvement guarantee in accordance with Chapter III, Subdivision, Section IV., Final Plan, Subsection C., Improvement Guarantee.
 - 9) Common open space shall be dedicated after approval of the project. There shall be no further subdivision of this land, nor buildings constructed upon it without further planning review and which would cause the net residential density to exceed the density permitted in that district.
 - 10) The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that it:
 - a) shall not be used for future building lots.
 - b) a part or all of the common open space may, at the option of the Town, be dedicated for acceptance by the Town for operation as a municipal recreational facility.
 - 11) If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.
 - 12) Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

- 13) This neighborhood association shall have the responsibility of maintaining the common open space(s) and operation and maintenance of local neighborhood recreational facilities within such open space(s).
- 14) The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.
- 15) The developer or sub-divider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or sub-divider.