



## Town of Gorham Planning Division

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### PLANNING REVIEW MEMO

**TO:** Planning Board

**FROM:** Carol Eyerman, Town Planner

**RE:** Cluster/Conservation Subdivision Workshop

**DATE:** October 18, 2021

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#### Item 1 - Review of Conservation vs. Cluster Subdivision

**Cluster Subdivision** - There are two features that distinguish what is thought of as a "true" cluster subdivision. The first is a characteristic of design and site planning in which several houses are grouped together on a tract of land. Each cluster of houses serves as a module, which is set off from others like it by an intervening space that helps give visual definition to each individual group. The second characteristic of the cluster subdivision is the presence of undeveloped land that is held for the common enjoyment of the neighboring residents or the community at large.

\*For many, this was the left over wetlands and unusable land. It has traditionally not been designed.

**Conservation Subdivision** – generally speaking it is a residential development where half or more of the buildable area is designated as undivided, permanent open-space typically achieved in a density neutral manner. The most important step in designing a conservation subdivision is to identify the land that is to be preserved and to design it.

**Gorham's Performance Standard Definition** is "A Clustered Residential Development is a form of development which allows a developer to create smaller lots than required by the applicable zoning district regulations in the Rural and Suburban Residential Districts in return for setting aside a portion of the tract as permanent open space owned and maintained by a land trust or other conservation organization. The net residential density of the site shall remain the same as if the site were developed as a conventional subdivision."

#### Items 2 and 3 – How to Practice Round using new standards (using example site handout)

**Step One** – consists of identifying land that should be permanently protected on an Existing Site Resources Map with "high value conservation areas." They are: existing

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trails, existing healthy forests of contiguous 5 acres, habitats of endangered or threatened species, significant wildlife habitat, significant natural and scenic views, archeological sites, historic structures, prime farm land, farm land of state wide significance, land being actively farmed. Also, this map needs to have roads and buildings within 100 feet of the property, indication of overall stormwater flow direction, and species and size of existing trees. (Note: this map shall not include proposed lots or roads.)

The developer shall include in the over-all design team either a licensed landscape architect or a natural resource planner. The landscape architect or natural resource planner shall provide a written narrative of the existing site resource maps detailing critical areas with a recommendation about the features which should be preserved in the open space.

It is intended that the open space shall be designed first, and the built environment shall be constructed in the remaining areas. During the Conceptual Design Review process, the Board shall determine whether or not the open space layout, design and configuration is appropriate based on the size of the parcel to be developed and consistent with the goals outlined under this section and those outlined in the Town's Comprehensive Plan.

(Draw large circles around items to be protected in your open space.)

**Step 2** – Location of sites of individual homes so that their view of the open space is maximized. The number is a function of the zoning district they are in. (Draw in small dots where you want to place the houses. In this fictitious example, you get 14 house lots.)

**Step 3** – Connect the dots with streets and informal trails. (Draw in lines to connect your house dots.)

**Step 4** – Draw the lot lines (Draw lot lines around your houses.)

#### **Item 4 - Open Space amount and type of uses**

Gorham's Ordinance requires the following:

- “At least 40% of the total area of the tract or parcel of land being developed must be maintained as common open space and not be included in the individual building lots.”
- Land deemed to be in excess of the 40% requirement up to 50% of the total land area may be required by the Planning Board as additional open space if the area contains land that meets the requirements of the “high-value conservation areas.”
- Active Open Space shall be required for subdivisions with more than 25 lots and/or dwelling units. Active Open Space is for active recreation and maintenance for recreation use, including playgrounds, tennis courts, ball fields, basketball courts, and similar facilities. A part or all of the Active Open Space may, at the option of the Town, be dedicated for acceptance by the Town for operation as a municipal recreation 171 facility.
- Uses of open space: a. Passive recreation, such as hiking, walking, running, biking, snowshoeing, cross country skiing, picnicking, bird-watching, hunting, fishing, and other low-impact recreational activities that do not significantly alter the natural common open space; b. Operation of snowmobiles or ATVs on existing snowmobile or ATV trails; c. Agriculture, horticulture, silviculture or pasture uses, provided that all best management

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practices are utilized to minimize environmental impacts; d. Nonstructural stormwater management, such as rain gardens and forested buffers; e. Easements for drainage, access, and underground utility lines; f. Other conservation-oriented uses such as community gardens, compatible with the purposes of this Chapter; and g. Parking lots for trail head use with no more than 10 parking spaces and associated drive aisles.

- The following uses are prohibited uses of common open space: a. Roads, parking lots and impervious surfaces, except as specifically authorized in Chapter; 172 b. Subsurface wastewater disposal systems and wells; c. Built stormwater management systems such as, but not limited to, ponds, underdrain ponds, catch basins, and pipes; d. Dumping or disposal of any type of yard waste, household waste, hazardous waste or other debris, organic or inorganic; e. Cutting vegetation, except for annual mowing related to agricultural uses or to prevent shrub growth from over taking protected fields, forest management of trees with an approved forest management plan written by a Maine licensed forester, or dead, diseased, or dying trees as identified by a licensed Maine arborist. Removal of invasive species as identified by the Maine Department of Agriculture, Conservation, and Forestry is exempt from this section; f. Altering approved common open space; g. Additional structures being placed in the common open space without prior Planning Board approval; and h. Other activities as determined by the applicant and recorded on an instrument providing permanent protection such as deed restrictions.

#### **Item 5 – Gorham’s Open Space Ownership Choices**

- a. Ownership by a conservation organization approved by the Planning Board with permanent restrictions on its future use, or
- b. Ownership by the Town with or without a conservation easement to a conservation organization approved by the Town Council and Planning Board.
- c. Ownership by a homeowners’ association conditioned on forever being maintained as common open space and there shall be no further subdivision of this land, nor buildings constructed upon it without further Planning Board review. The land may also have a conservation easement on it to the Town or a conservation organization approved by the Planning Board.

#### **Item 6 – First Steps for any Application**

- The first meeting with the Planning Board shall be Conceptual Design Review, and shall precede submission of a Preliminary Subdivision Review Application.
- A landscape architect or natural resource planner shall provide a written narrative of the existing site resource maps detailing critical areas with a recommendation about the features which should be preserved in the open space.
- The intent of this phase of review is for there to be an opportunity to build greater Planning Board, applicant, and open space holder consensus on critical resources and over-all design of the project.

#### **Other Business/Questions**

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\*See Chapter 2 – General Standards of Performance Ordinance for in depth review of the Clustered Residential Development Subdivision Standards.

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