

Town of Pownal

Planning Board Meeting Agenda

**Wednesday, February 15, 2023
6:00 PM in person @ Mallett Hall**

1. **Call to order**

2. **Secretary's Report**
 - Approval of meeting minutes of January 18, 2023.

3. **Old Business**
 - None

4. **New Business**
 - None

5. **Other Business**
 - 2/1 Workshop review
 - Draft Conservation Ordinance Review
 - FY 2023/2024 Budget Update

6. **Discussion**

7. **Next Month Agenda**

9. **Adjourn**

MEMORANDUM

TO: Pownal Planning Board

From: Sam Peikes, Associate Planner, North Star Planning

RE: Conservation Subdivision Draft Standards Version #2

Date: February 8, 2023

Overview

The purpose of this meeting is to review the second round of draft standards for Conservation Subdivisions based on the Ordinance workshop February 2. The Board suggested standards for minimum lot size, open space preservation, buffers, and roads. The Board should review the standards under Lot Density, Lot Setbacks, and Frontage.

Draft Standards Version #2

To help continue the discussion and shape draft revision NSP suggests feedback on the following topic areas:

1. Applicability
 - The Board agreed that Conservation Subdivisions should apply to all major subdivisions and be optional for minor subdivisions.
2. Procedure
 - The Board agreed that the four-step process from the Model Open Space Subdivision Ordinance should be following when designing a Conservation Subdivision.
 - NSP updated Step Two of the process with the following: All house sites shall be located outside of Primary Conservation areas and to the maximum extent feasible shall be located outside of Secondary Conservation areas.
 - The Board agreed that a new checklist would be necessary.

3. Performance and Design Standards

a. Open Space

- The Board agreed that the minimum amount of open space to be preserved should be 60%.
- The Board agreed that a management plan should be submitted for all types of open space when retained by a Homeowner's Association.
- The Board agreed that there should be a minimum size requirement for open space. The Board should decide if the size requirement for open space under 1.c. is adequate.

b. Lot Density

- The Board supported having density bonuses.
- NSP suggests increasing the thresholds for density bonuses. The current language around density bonuses will not result in much affordable housing.
- Should additional criteria be used to calculate maximum dwelling units based on the formula in 2a?

c. Minimum Lot Size

- The Board agreed that there should be no maximum lot size.
- The Board agreed that lots may be reduced as low as ½ acre or 21,780 square feet with advanced wastewater treatment.
- In order to comply with LD2003, lots should be no smaller than 1 acre.

d. Lot Setbacks

- Should setbacks be the same for Conservation Subdivisions or should they be reduced?

e. Frontage

- Should road frontage be *no less* than 75 feet or should the existing road frontage of 300 feet be reduced *by* 75 feet?

f. Buffers

- The Board agreed that new lots shall be set back a minimum of 150 feet from existing public roads and that a 300-foot buffer shall be provided from the existing road.

3

- The Board should reconsider the 150-foot minimum setback for new lots to be compatible with the Conservation Subdivision design philosophy outlined in Section C.
- The Board should provide further clarification on the intent of the 300-foot buffer from the existing road.
- What resources should require buffers? (wetlands, vernal pools, streams, significant wildlife habitat, etc.)
- Should all new roads require a buffer?

907 Conservation Subdivision

A. Purpose and Review Criteria

To provide for development in harmony with the natural features of land that is consistent with historic land use patterns where residences are grouped and surrounded by areas of open space used for agriculture, forestry, recreation and similar purposes.

Diversity and originality in lot layout and individual building site design shall be encouraged to achieve the best possible relationship between the proposed development and the land under consideration. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy and natural drainage areas.

In approving a conservation subdivision, the Board shall consider the following additional criteria before granting approval:

1. The arrangement of roads, lots, dwelling units, stormwater facilities, wastewater and other utilities will be harmonious with the natural environment and will not harm rural character and surrounding natural resources.
2. The conservation subdivision will minimize undue adverse effect on wetlands, vernal pools, stream corridors, significant wildlife habitat, or scenic resources.
3. All buffers in the conservation subdivision will protect natural resources and adequately screen new homes from the public road.
4. Open space will be permanently protected and will be contiguous to other open space within the larger parcel.

B. Applicability

The provisions of this ordinance shall apply to all major subdivisions and shall be optional for minor subdivisions.

C. Procedure

Conservation subdivisions shall meet all applicable requirements of Sections 905 and 906 of the Zoning Ordinance. Plans for conservation subdivisions shall include the identification of the following areas:

1. The location of Primary conservation areas within the subdivision
 - a. Those unbuildable areas that include steep slopes, hydric soils, wetlands, surface waters, and streams.
2. The location of Secondary conservation areas within the subdivision
 - a. Those areas with significant features that include open fields, high value natural areas and essential wildlife habitat as defined by the Maine Department of Inland Fisheries & Wildlife (MDIFW), prime agricultural soils as defined by Department of Agriculture, Conservation, and Forestry (DACF),

historic properties and resources as defined by Maine Historic Preservation Commission (MHPC), but excluding stone walls, and scenic views,

3. The location and delineation of any significant wildlife habitat within 250 feet of the subdivision
4. The location of open space to be preserved

Applicants shall demonstrate that their conceptual plan is consistent with the following approach:

1. Step One: Identify Conservation Areas. All Primary and Secondary Conservation Areas and unbuildable areas shall be identified and when applicable shall be delineated.
2. Step Two: Locate House Sites. All house site shall be located outside of Primary Conservation areas and to the maximum extent feasible, house sites shall be located outside of Secondary Conservation areas, those areas delineated in Step One.
3. Step Three: Align Streets, Common Driveways and Trails. The minimum length and network of road(s) necessary to access each house lot shall be identified. Common driveways shall be identified. Roads and common driveways shall be located in such a way that avoids or at least minimizes adverse impacts on both Primary and Secondary Conservation Areas.
4. Step Four: Identify Lot Lines and Building Envelopes. Lot lines and building envelopes for each house site, or group of homes on a common lot, shall be identified. The placement of lot lines and building envelopes shall give consideration to those areas identified in Step One as well as conform to the natural features of the landscape to the greatest extent possible.

D. Performance and Design Standards

1. Open Space

- a. At least ~~65~~50% of the subdivision land area needs to be preserved as permanently protected common open space.
- i. At least 50% of the land suitable for development shall be included in the common open space.
- b. All common open space areas shall be part of a larger contiguous and integrated open space system within the parcel being developed. At least 75% percent of common open space shall be contiguous to another common open space area. Areas shall be considered contiguous if they are within at least 100 feet of each other and there are no impediments to access between these areas.
- c. Common open space shall be at least 50 feet in its smallest dimensional width and at least 10,000 square feet in total area.
- d. Common open space shall, to the greatest extent possible, protect site features identified in the site plan analysis.

- e. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes.
- f. If ownership of the common open space is to be retained by a homeowner's association, the applicant must submit a management plan for the maintenance of common open space and common open space facilities that includes the following:
 - a. Allocates responsibility and standards for maintenance of common open space and any required long-term improvements.
 - b. Estimates the costs and staffing requirements needed for maintenance and operation of and insurance for the common open space and outlines the means by which such funding will be obtained or provided.
 - c. Provides that any changes to the plan must be approved by the Planning Board.
 - d. Provides for the enforcement of the plan.

2. Lot Density

- a. The total number of dwelling units shall be determined by subtracting the unbuildable area from the total parcel and dividing by the minimum lot size.
 - i. The unbuildable area is defined as land area that cannot be counted toward the minimum lot size and includes steep slopes (20% or more), hydric soils, wetlands, surface water, rights of ways and easements, Resource Protection District, floodways and coastal high hazard zones and portions used for storm water management facilities.
- b. Density bonuses shall be applicable to all conservation subdivisions. The Planning Board may grant a 25% increase in the number of dwelling units if the applicant provides a minimum of 10% of units as affordable for families and additional open space beyond the required ~~65~~0% amount is preserved. A dwelling unit is considered affordable if the household income does not exceed 60% of the median income for the area.

3. Minimum Lot Size

- ~~a. The maximum lot size for a conservation subdivision shall be 90,000 square feet.~~
- ~~b.~~a. The minimum lot size may be reduced to ½ acre ~~20,000 square feet~~ as long as the applicant submits a plan for advanced wastewater treatment disposal.

4. Lot Setbacks

- a. Setback requirements for a conservation subdivision shall be the same as those required in the zoning district in which the subdivision is located.

5. Frontage

- a. Minimum road frontage for lots shall be no less than 75 feet.

6. Buffers

- a. The purpose of a buffer shall be to minimize any adverse impacts or nuisances on the site or on adjacent properties.
- b. New lots shall be set back a minimum 15075 feet from existing public roads.
- a-c. A 300-foot buffer shall be provided from the existing road.
 - b-d. A 75-foot buffer shall be created around all wetlands, vernal pools, streams, and significant wildlife habitat.
 - e. The buffer shall include a mix of native trees, shrubs, and other native vegetation that provides a year-round screen. Invasive vegetation shall be discouraged.
 - i. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and the public road.
 - ii. For non-wooded buffer areas, evergreens can be used as screening provided; they are planted in two (2) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreen planted six (6) feet on center. ~~Invasive vegetation shall be discouraged.~~
 - iii. All buffers shall be maintained by the property owner or Home Owner's Association.

7. Trails and Roads

- a. Wherever possible in areas of potential trail connectivity, provisions shall be made for the creation of a trail system within the common open space to provide access from the subdivision homes to the open space network created by the subdivision.
- b. New roads in conservation subdivisions shall be designed with creativity and sensitivity to minimize impacts on scenic, open space, archaeological, social, cultural, and environmental resources.
- c. New roads shall be designed to fit harmoniously with the existing topography.
- e-d. No private road can have two points of entry from an existing town road.
 - d-e. New roads in a conservation subdivision shall adhere to the following dimensional standards:
 - i. Minimum width ROW shall be reduced from 60 feet to 50 feet.
 - ii. Minimum width of pavement shall be reduced from 20 feet to 16 feet.
 - iii. Width of shoulders shall be reduced from 4 feet to 2 feet. ~~iii-iv.~~ Maximum road length shall be increased from 600 feet to 1,000 feet.

g. Trails and Roads

- How important is trail connectivity within open space? Should consideration be made to connecting trails within the larger Pineland/Bradbury corridor where possible?
- The Board agreed that no private road should have two points of entry from an existing town road.
- The Board agreed that new roads should adhere to the standards listed under 7e.i-iii.
- The Board recognized the need to increase the maximum private road length from 600 feet to 1,000 feet. As an alternative, the Board should consider language that would allow them to consider waiver requests from road length on a case by case basis.