

Town of Pownal

**Planning Board Meeting Agenda
Wednesday, July 17, 2023
6:00 PM in person @ Mallett Hall**

1. Call to order

2. Secretary's Report

- Approval of meeting minutes of June 21, 2023.

3. Old Business

- Town Meeting and Conservation Commission Meeting Recap

4. New Business

- Welcome, Full Member Orion Breen
- Open position, Alternate Member
- Ashley Cooper Day Care, 237 Tuttle Road

5. Other Business

- Draft Conservation #7 Conservation Ordinance Review
- Schedule and action items for vote at special Town Meeting

6. Discussion

7. Next Month Agenda

9. Adjourn

907 Conservation Subdivision

A. Purpose and Review Criteria

To encourage development that preserves Pownal's rural character and protects natural and culturally important resources and is consistent with the 2020 Comprehensive Plan.

To provide for development 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. Pre-application Review

All applicants for review of conservation subdivisions are required to participate in a pre-application review process with the Planning Board. The purpose of this process is to discuss the characteristics of the site and proposed plan for development in conceptual terms.

The purpose of this informal meeting between the applicant, site designer(s), and the Planning Board is to introduce the applicant and site designer(s) to the zoning and subdivision regulations and collaboratively discuss the applicant's objectives in relation to those requirements. The applicant may choose to bring a Site Context Map and an

Existing Features Plan to this meeting that provides preliminary identification of the key areas of the property and development plan as outlined below and in the procedure.

D. Site Context Map

The site context map shall be drawn to a size adequate to show the relationship of the proposed subdivision to adjacent properties and to locate the subdivision within the municipality, e.g., 1 inch = 400 feet. The site context map shall include the following:

1. An outline of subject parcel along with abutting properties perhaps from a tax map and current uses on those properties.
2. A sketch plan showing 600 feet of proposed road.
3. Existing subdivisions in proximity of the subject parcel.
4. An outline of the subject parcel on a USGS topographic map.
5. Zoning district.
6. Tax map and lot number of subject parcel.
7. Watershed description.
8. Location and names of existing streets.
9. Location of circle showing features within half mile of subject parcel on Beginning with Habitat High Value Habitats map.

E. Existing Features (Site Inventory) Map

The site inventory map(s) shall be at a scale of one-inch equals 100 feet (unless another scale is mutually agreed upon) and shall involve an individual or team with the necessary training in natural resources, preferably a landscape architect, and who shall certify the information submitted. The inventory and map(s) shall include, at a minimum, the following:

1. The proposed name of the subdivision, north arrow, date and scale.
2. The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.
3. A contour map based at least upon topographic maps published by the U.S. Geological Survey.
4. The location and delineation of Primary Conservation Areas. (Note a high intensity soils map based on test pits may be advantageous in determining less area with hydric soils.) The total acreage of Primary Conservation areas shall be included.
5. The location and delineation of existing buildings and unbuildable areas that are not Primary Conservation Areas including rights-of-ways and easements, portions in

Resource Protection district, and portions utilized for storm water management facilities.

6. The location and delineation of any Essential Habitat Areas onsite or within 250 feet of the subdivision and any other important habitat areas onsite indicated on State Beginning with Habitat maps.
7. Identification of scenic views into and out from the property with accompanying photos and location and delineation of other Secondary Conservation Areas. The total acreage of Secondary Conservation Areas when applicable shall be included.
8. The identification and location of vegetative cover on the property.
9. Abutting or nearby lots where linkage with nearby open space, conservation land, State parks, or public lands on other properties is not blocked, and when possible, where continuous corridors of natural vegetation are protected in alignment with any adopted local or regional open space plan.

F. On-Site Visit

After the Existing Features Plan has been prepared, the Planning Board may schedule an on-site visit to walk the property with the applicant and the site designer(s). The applicant shall bring a copy of the Existing Features Plan to the on-site visit. The purpose of this visit is to familiarize the Planning Board with the property's special features, and to provide them an informal opportunity to offer guidance (or at least a response) to the applicant regarding the location of Primary and Secondary Conservation Areas and potential house locations and street alignments.

MG. 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.
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.

ND. Performance and Design Standards

Wherever possible, Conservation Subdivisions shall adhere to the standards below. The Board may consider waiver requests from any of the performance standards in order to support the design philosophy and collaborative process. All waiver requests shall be discussed at the pre-application meeting and made in writing to the Planning Board.

1. Open Space

- a. At least 60% 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.e. 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 number of lots in a Conservation Subdivision shall not exceed the number of lots that would be allowed pursuant to the maximum net residential density requirements of the zoning district in which the subdivision is located, including the dimensional requirements applicable to road frontage. The Planning Board may require applicants to submit a sketch plan showing that the parcel could be subdivided into the number of proposed lots in a manner that meets the dimensional requirements applicable to road frontage in the district in which the subdivision is located.
- b. In calculating the number of lots in a Conservation Subdivision only 600 feet of new road shall be used.

3. Minimum Lot Size

- a. The minimum lot size may be reduced to $\frac{1}{2}$ acre 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.

a-b. All conservation subdivisions shall have at least 750 feet of road frontage.

6. Buffers

a. The purpose of a buffer shall be to maintain natural features and viewsheds as well as minimize any adverse impacts or nuisances on the site or on adjacent properties.

b. The buffer may include a mix of native trees, shrubs, and other native vegetation that provides a year-round screen. Planting of invasive vegetation shall not be allowed. Invasive vegetation is defined in the Maine Natural Areas Program Invasive Plants List as amended.

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.

iii. All buffers shall be maintained by the property owner or Home Owner's Association.

c. New lots shall be set back a minimum ~~150~~75 feet from existing public roads.

a-d. New homes shall be set back a minimum of 200-feet from existing public roads.

e. A 75-foot buffer shall be provided around the entire property.

f. The Board may require additional buffering around new roads to protect existing viewsheds and views from the public road.

7. ~~Trails and Private~~ 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 private roads in conservation subdivisions shall be designed with creativity and sensitivity to minimize impacts on scenic, open space, archaeological, social, cultural, and environmental resources.

a. Cisterns are required per Section 903 of the Ordinance.

b. New private roads shall be designed to fit harmoniously with the existing topography.

c. Any new driveways shall be located off new private roads.

d. No private road can have two points of entry from an existing town road.

e.—New private roads shall be spaced at least 750 feet apart.

d.e. New private -roads in a conservation subdivision shall comply with the standards of Appendix 16 of the Ordinance in addition to the following standards:

i. Minimum width ROW shall be 50 feet.

ii. Minimum width of pavement shall be 16 feet.

iii. Width of shoulders shall be 2 feet.

iv. Maximum road length shall be 1,000 feet. The Board shall have the ability to grant waiver requests from maximum road length on a case-by-case basis.

f. Cul de sacs are allowed on a case-by-case basis upon review from the road commissioner and are subject to the following dimensional standards:

i. Cul de sac turnaround radii at the property line shall be 75 feet.

ii. The outer edge of the pavement shall be 64 feet.

iii. If a vegetated center is proposed, the inside radius of pavement shall be 40 feet

iv. The area of transition from street to cul de sac shall be designed with a turning radius of no less than 50 feet.

G. Open Space Use, Trails, Ownership and Maintenance

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.

The Designated Open Space created by the subdivision shall be:

1. Shown on the plat plan with the following notation: "Designated Open Space shall not be further subdivided or used for future building lots".
2. Shown on the plat plan including boundaries of Designated Open Space areas, active recreation area if any, agricultural area, and naturally, undisturbed vegetated areas and marked in the field with signage approved by the Planning Board to distinguish these areas from private property.
3. Accessible to the owners or residents of the development and the general public, subject to any necessary limitations in connection with the uses of land (e.g., farming), which may be permitted.

H. Uses

Uses of open space shall be generally limited for passive recreation, or other passive outdoor activities, agriculture, forest management, and for preserving the natural features of the site. Potential uses (e.g., farming) may be by the subdivider, owners or residents, or a lessee. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties.

Access for the general public may be limited to passive recreation on trails created within the designated open space. Passive recreation includes, but is not limited to walking, hiking, cross country skiing, snow shoeing, mountain biking, and horseback riding. Active recreation, such as hunting, snowmobiling or other motorized activity may be allowed based on the discretion of the owner of the open space.

I. Management Plan

Managed according to a management plan for the designated open space and facilities that's approved by the Planning Board, which includes the following:

1. Identifies the entity assuming responsibility for stewardship and management of the designated open space, including regular inspections to confirm continued compliance with the terms of the subdivision approval and conservation easement or deed restrictions.
2. Includes detailed standards and schedules for maintenance of the designated open space, including maintenance of vegetation.

3. Allows for municipal maintenance in the event that the maintenance specified under the agreement is not completed and recovery of costs incurred from the designated management entity or the owners of the designated open space within the subdivision.
4. Provides that any amendments to the plan shall be reviewed and approved by the Municipal Reviewing Authority.
5. Prior to the commencement of any timber harvesting a forest management plan defined by Title 36 MRSA section 573.3-A shall be submitted to the Municipal Reviewing Authority. The plan must be prepared by a licensed professional forester or a landowner and be reviewed and certified by a professional forester.

J. Ownership

Owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of open space to a suitable land trust.
2. Dedication of development rights of open space to a suitable land trust with ownership by a private individual or homeowners association.
3. Ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the open space, or the municipality.
4. Ownership by a private individual with open space protection deed restrictions enforceable by any land owner within the subdivision, any owner of separate land parcels abutting the open space, or the municipality. This option may apply only if open space is part of an existing farm, working or not, if there is a future intent to farm by the owner and no land trust is willing to accept dedication of development rights of the open space.

K. Homeowner's Association

If a homeowner's association is to be formed it shall be incorporated by the developer prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities shall also be subject to Planning Board approval. The association's documents shall specify that:

1. The association shall have the responsibility of maintaining the designated open space and other private facilities dedicated to the use in common by the development's resident.
2. The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.
3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
4. The developer shall maintain control of designated open spaces and facilities and be responsible for their maintenance until at least 51% of the development lots or units have been conveyed, with evidence of such completion and sales submitted to and approved by the Planning Board.


L. Legal Review

Prior to final approval by Planning Board the applicant shall submit for review by the municipal attorney any restrictive covenants, conservation easement, deed restrictions or other legal agreements proposed for use in the conservation subdivision. The municipal attorney shall advise the Planning Board of the adequacy of such legal provisions. The applicant shall pay all associated costs of the legal review.

MEMORANDUM

TO: Pownal Planning Board

From: Sam Peikes, Associate Planner, North Star Planning

RE: Conservation Subdivision Draft Standards Version #7 

Date: July 12, 2023

Overview

The purpose of this meeting is to review the draft standards for Conservation Subdivisions based on the Ordinance workshop from June 21. At that meeting the Board revisited standards around lot density, buffers, and roads. The following items have been agreed upon by the Board. The Board should review the dimensional standards added under cul de sacs Section 7f.

1. Performance and Design Standards
 - a. Applicability
 - o The Board agreed that the provisions of this Ordinance should apply to all major subdivisions and be optional for minor subdivisions.
 - b. Lot Density
 - o The Board agreed that the number of lots in a Conservation Subdivision shall not exceed the number of lots that would be allowed pursuant to the maximum net residential density requirements of the zoning district in which the subdivision is located.
 - o The Board agreed that in calculating the number of lots in a Conservation Subdivision only 600 feet of new road shall be used.
 - c. Minimum Lot Size

- The Board agreed that lots may be reduced as low as ½ acre or 21,780 square feet with advanced wastewater treatment.
- d. Lot Setbacks
- The Board agreed that lot setbacks should be the same as those required in the zoning district in which the subdivision is located.
- e. Frontage
- The Board agreed that at least 750 feet of road frontage should be required to design a conservation subdivision.
- f. Buffers
- The Board recognized the need to require additional buffering where applicable.
 - The Board agreed that a 75-foot buffer should be provided around the entire property.
- g. Private Roads
- Trails was moved to section G. of the draft.
 - The Board agreed that cisterns are required per Section 903 of the Land Use Ordinance.
 - The Board agreed that new driveways shall be located off private roads.
 - The Board agreed that new roads should be spaced at least 750 feet apart.
 - The Board agreed that cul de sacs are allowed on a case-by-case basis.
 - New dimensional standards for cul de sacs have been added.