

Town of Wells, Maine Review Checklist

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Project Name/District: Chick Crossing Village/ Rural, Aquifer Protection and 250' Shoreland Overlay Districts- Tax Map 83, Lot 8

Date of Review: 12/16/21; 5/4/22

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article VII
Performance Standards**

§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
<p>The purpose of this section is to allow, by Planning Board approval, the clustering of one- and two-family dwelling units. Clustering shall provide a more efficient use of land resulting in the preservation of natural land forms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands, other natural resources, and historic sites. Notwithstanding other provisions of this chapter, the Planning Board may modify the dimensional requirements of this chapter as specified in this section to permit the clustering of one- and two-family homes. Such modifications shall not be construed as the granting of a variance to relieve hardship.</p>					
A.	<p>Permitted locations. Residential cluster development shall be permitted in all zoning districts where residential development is allowed. All areas of a cluster subdivision located within the Aquifer Protection District or the Shoreland Overlay District shall be dedicated as undeveloped open space. [Amended 6-14-2016]</p>	Y			<p>The residential cluster development lots are proposed within the Rural District.</p> <p>No development is proposed nor is permitted in the Aquifer Protection and Shoreland Overlay Districts. Areas within the AP and Shoreland zone are designated as Open Space.</p>
B.	<p>Density. The maximum density of dwelling units permitted shall be the same as permitted in the district(s) in which the cluster development is located, unless density bonuses are granted in accordance with § 145-49D. To determine maximum density the following steps shall be taken:</p>	Y*			<p><u>Table on sheet 3 to be revised. See notes provided.</u></p>

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(1)	<p>In order to determine the maximum number of dwelling units permitted on a tract of land the net residential acreage shall be determined by calculating net area and subtracting 15% of the area of the lot to account for roads and parking.</p>	Y*	<p>The out-sale lot, Lot 8A, is 108,349 SF (2.48 acres) and is not part of the subdivision.</p> <p>The subdivision parcel area is noted as 44.40 acres. <u>The total net area is believed to be 44.11 acres?</u> The density calculation must be based on net area and must deduct the land area below the high-water line of Branch Brook.</p> <p><u>22.31 acres is located within the Rural District and 21.80 acres is located within the Aquifer Protection District.</u></p> <p>22.31 acres or 971,766 SF in Rural zone. 15% deduction is 145,764 SF resulting in 826,002 SF. $826,002/100,000 = 8$ dwellings permitted in the Rural zone.</p> <p>Per 145-49E the permitted density of the portion of the property within the Aquifer Protection District may be doubled and transferred to the Rural District and counted toward the total density provided no development is within the AP zone and the Open Space in the AP zone is dedicated to the Town or KKWWD. <u>Plan notes indicating the Open Space dedication are required.</u></p> <p>21.80 acres or 949,745 SF in AP zone. 15% deduction is 142,461 SF resulting in 807,274 SF. $807,274/100,000 = 8$ dwellings permitted in AP zone. $8 \times 2 = 16$ dwellings permitted in the AP zone.</p> <p>$8 + 16 = 24$ dwellings permitted within the development. 20 dwellings are proposed. <u>Table on sheet 3 to be revised.</u></p>
(2)	<p>A cluster development layout shall be submitted indicating a minimum of 35% open space and significant natural features.</p>	Y	<p>35% open space is required. The plan indicates 25.23 acres of Open Space is proposed (57.20%).</p>

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		Yes	No	NA	Comments								
C.	Dimensional requirements.												
(1)	<p>The minimum lot sizes may be reduced to 20,000 square feet in any district where clustering is allowed, if not serviced by public sewer, or may be reduced to the following if on public sewer:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th colspan="2">Served by Public Sewer</th> </tr> <tr> <th>Type of Dwelling</th> <th>RA, GB and RC Districts (square feet)</th> </tr> </thead> <tbody> <tr> <td>One-family Dwelling</td> <td>10,000</td> </tr> <tr> <td>Two-family Dwelling</td> <td>15,000</td> </tr> </tbody> </table>	Served by Public Sewer		Type of Dwelling	RA, GB and RC Districts (square feet)	One-family Dwelling	10,000	Two-family Dwelling	15,000	Y*			<p><u>All cluster lots may be reduced to 20,000 SF in area pending determination by the Planning Board after preliminary public hearing.</u> All lots propose a minimum of 20,000 SF. (The average lot size is 36,747 SF)</p>
Served by Public Sewer													
Type of Dwelling	RA, GB and RC Districts (square feet)												
One-family Dwelling	10,000												
Two-family Dwelling	15,000												
(2)	<p>The required setbacks from lot lines and from street rights-of-way within the cluster development may be reduced, but no structure shall be located within 15 feet of any lot line or within 20 feet of any street right-of-way within the cluster development.</p>	Y*			<p><u>All cluster lots may have setback requirements reduced, pending determinations by the Planning Board.</u></p> <p><u>Lot line setbacks may be reduced from 25' to 15'. Setbacks from the cluster development roadway may be reduced from 25' to 20'.</u></p> <p>A setback reduction from Chick Crossing Road is not permitted and to remain 25'.</p> <p><u>Determinations to be considered after the preliminary public hearing is held.</u></p>								

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§ 145-49. Residential Cluster Development. [Amended 11-7-2006]			Application Meet Requirements			
			Yes	No	NA	Comments
(3)	The required street frontage may be reduced to no less than 50 feet.	Y*			<p>Lot 8A is the outsale lot and is not part of the subdivision. This lot has 200' of street frontage along Chicks Crossing Road.</p> <p>Cluster lot 1 and lot 2 to have frontage along Chicks Crossing Road. Lot 1 to have 200' of frontage and lot 2 to have 174.24' of frontage. <u>The Planning Board to determine a street frontage reduction for lot 2 after the preliminary public hearing.</u></p> <p>Cluster lot 3 to have street frontage along Chicks Crossing Road and Lydia's Circle, the proposed private street for the cluster subdivision. Lot 3 to have 134.96' of frontage along Chicks Crossing Road and 176.64' of frontage along Lydia's Circle. Vehicular access shall be restricted so that Lot 3's driveway is only permitted off Lydia's Circle. <u>The Planning Board to determine a street frontage reduction for lot 3 after the preliminary public hearing.</u></p> <p><u>Cluster lots 4-20 shall have street frontage off Lydia's Circle. Cluster lots 4 and 7 to 20 have street frontage off of Lydia's Lane that range from 73' to 166' +/-.</u> Lots 5 and 6 propose street frontage that meets 200' or more.</p>	

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		Yes	No	NA	Comments
(4)	When a lot in a cluster subdivision abuts a nonclustered residential lot, the setback in the cluster subdivision lot shall be twice the required setback along the adjoining lot line. The Planning Board may require additional screening or restrict the removal of vegetation within the setback to provide a buffer between higher and lower density development.		N		<p>A 50' setback is required for all non-clustered abutting residential lots. <u>This buffer is not labelled from Lot 8A or Lot 9 to the southeast. This setback may be required to provide screening or restrict removal of vegetation to create a buffer. Planning Board to make determinations.</u></p> <p>The out-sale lot (Lot 8A) is a standard lot and is not part of the cluster development. <u>A 50' setback/ buffer is required from Lot 8A and must be detailed on the plan. Lydia's Circle is within the setback/buffer from Lot 8A. Planning Board to determine what this buffer is to consist of.</u></p> <p><u>Septic systems and fire cistern are proposed within the 50' setback/buffer. Board to determine if this is suitable and what screening/plantings are to be required.</u></p> <p><u>Proposed cistern system located in the 50' wide buffer.</u></p>
(5)	The maximum lot coverage of 20% in the Rural District may be allowed by the Planning Board to be increased to 40% on lots smaller than 40,000 square feet in area.	Y*			<p>See note 15 on sheet 3.</p> <p><u>Note 15 to add that for lots smaller than 40,000 SF in area, 40% maximum lot coverage is permitted. Pending Planning Board determination to allow the increased lot coverage.</u></p>

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§ 145-49. Residential Cluster Development. [Amended 11-7-2006]		Application Meet Requirements			
		Yes	No	NA	Comments
D.	Innovative open space bonus. At least 35% of the total parcel acreage in a cluster subdivision must be designated as open space and protected as such in perpetuity. At the discretion of the Planning Board the applicant may earn density bonuses in addition to the maximum density permitted in § 145-49B. The applicant may seek application of more than one density bonus as set forth below, and the total density bonus earned shall be cumulative. However, in no case shall the total density bonus allow the overall subdivision density to exceed the maximum density allowed in § 145-49B above by more than 25% in the rural areas and 50% in the growth areas as set forth in the Comprehensive Plan. Bonuses shall be allotted in whole lot increments only and shall not be rounded up. Density calculations, including all awarded open space bonuses, shall be shown on the subdivision plan.			NA	No innovative open space bonuses are requested.
	(1) An open space cluster plan that provides at least 50% of the total parcel acreage as open space, protected as such in perpetuity, may be awarded a density bonus of 10%. The purposes for which proposed open space areas will be used shall be fully documented by the applicant.				
	(2) An open space cluster plan that protects agriculturally valuable lands and provides for their use as such in perpetuity may be awarded a 5% density bonus. The open space land preserved for agricultural use must consist of at least 3.5 acres, and be land that has been historically farmed, or contain good soils for farming, and be reasonably accessible to receive a bonus. The instrument designating the land as agriculture use, acceptable to the Planning Board, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision only requires that permission be reasonably available so that validity of the bonus is not affected if agricultural uses are not pursued at any particular time.				

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		Yes	No	NA	Comments
(3)	An open space cluster plan that protects timber harvesting lands and provides permission for that use to continue in perpetuity may be awarded a 5% density bonus. The open space preserved for timber harvesting must include at least 10 contiguous acres and be land that has historically been forested, and must be reasonably accessible to receive a bonus. A forest management plan signed by a professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to Title 12 M.R.S.A § 8869 must be submitted.				
(4)	An open space cluster plan that accomplishes either of the following:				
	(a) Protects valuable wildlife and environmental areas in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%.				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				
	(b) Links dedicated open space to large parcels of adjoining dedicated open space to provide usable wildlife habitat or corridor connections between usable wildlife habitats in a manner that is consistent with the goals, policies and strategies of the following chapters and related maps in the Comprehensive Plan may be awarded a density bonus of 5%:				
	[1] Chapter 3, Natural Resources Policies and Strategies;				
	[2] Chapter 4, Marine Resources Policies and Strategies;				
	[3] Map 4, Natural Areas Wildlife Habitat;				
	[4] Map 9, Wetlands; or				
	[5] Map 10, Areas of High Potential for Wildlife Habitat.				

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(5)	An open space cluster plan that allows public access to the open space may be awarded a density bonus of 5%. The nature of public access required to trigger this bonus is pedestrian traffic. The instrument granting access, acceptable to the Planning Board, may reasonably restrict the use of motorized vehicles.				
(6)	An open space cluster plan that preserves, and provides for their use as such in perpetuity, the Town's historic, traditional New England seacoast and rural community character and appearance by preserving and incorporating existing historic structures and natural features of historic significance may be awarded a density bonus of 5%.				
(7)	An open space cluster plan that effectively links large areas of the dedicated open space to adjoining dedicated open space may be awarded a density bonus of 5%.				
(8)	An open space cluster plan that preserves scenic vistas especially toward the seacoast from Route 1 and along scenic corridors especially along Routes 1, 9, 109, and roads in rural areas may be awarded a density bonus of 5%.				
(9)	A "unit for unit" density bonus may be granted for open space cluster plans that include affordable housing for moderate-income buyers. For example, if 10% of the dwelling units in the project are affordable for moderate-income buyers then a density bonus of 10% may be awarded. The matching density bonus may be doubled for open space cluster plans that include affordable housing for low-income buyers. For example, if 10% of the dwelling units in the project are affordable for low-income buyers then a density bonus of 20% may be awarded.				
E.	Aquifer Protection District. Where the parcel is located in the Rural District and partially in the Aquifer Protection District the permitted density for that portion of the lot within the Aquifer Protection District may be doubled, transferred to the portion of the lot located in the Rural District, and counted towards total bonus density, provided that:	Y*			The property is located within the Rural and Aquifer Protection Districts. <u>22.31 acres is located within the Rural District and 21.80 acres is located within the Aquifer Protection District. Corrections to Table on sheet 3 to be addressed.</u>
(1)	All land within the Aquifer Protection District is included within the common land or open space;	Y			All land within the Aquifer Protection District is proposed as Open Space.

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	(2) A conservation easement is granted to the Town or to the Kennebunk, Kennebunkport and Wells Water District over that portion of the subdivision located within the Aquifer Protection District; and		N		<u>The open space (note 19) to indicate that a conservation easement is to be granted to the Town or to the KKWWD if 145-49E is used in calculating the density for the subdivision. Draft document to be provided.</u>
	(3) All stormwater detention facilities shall be located outside the Aquifer Protection District. Stormwater retention facilities may be located in the Aquifer Protection District.	Y			No development in the AP zone is proposed.
F.	Management of open space. The open space portion of the cluster development site shall be permanently dedicated open space by covenant recorded at the Registry of Deeds and shown on the recorded subdivision plans. No more than 2% of the open space shall be impervious surfaces that are accessory to the proposed use of open space (i.e., roads, parking areas, sheds, etc.), of which total structural coverage shall not exceed 600 square feet. Nonroofed or elevated structures (i.e., walking paths) are allowed. The designated open space shall not be used for additional building lots.	Y*			Note 19 currently states the Open space to be owned and maintained by the Chicks Crossing Village Owners Association. Draft HOA documents, Bylaws, Fire Protection System easement, and sample Deed have been provided to the Town <u>and shall be reviewed by the Town Engineer and Town Attorney during the final application review.</u>
	(1) Prior to the sale of any lots, the open space shall be controlled by one or more of the following methods:				
	(a) Ownership by an association of the owners of the dwelling units within the development;				
	(b) Ownership by an association of the owners of the dwelling units within the development with a conservation easement granted to the Town or recognized conservation organization;				
	(c) Dedication to the Town as public open space; and/or		N		<u>Note 19 must indicate the conservation easement to be granted to the Town or KKWWD.</u>
	(d) Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.		N		<u>Note 19 must indicate the conservation easement to be granted to the Town or KKWWD.</u>

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(2)	The developer may structure the control of the common open space in one or more of the above methods. The Planning Board shall approve the arrangements for the ownership, control and maintenance of the common open space as part of the subdivision approval. No changes in use or management of the common open space shall be made without the approval of the Planning Board.				Note 19 currently states the Open space to be owned and maintained by the Chicks Crossing Village Owners Association. Draft HOA documents, Bylaws and sample Deed have been provided to the Town <u>and shall be reviewed by the Town Engineer and Town Attorney during the final application review.</u>
G.	Homeowners' association management of open space. If the open space will be owned and/or managed by the owners within the cluster development, then a homeowners' association shall be created to own and manage the common lands and facilities. Covenants for mandatory membership in the homeowners' association, setting forth the owner's rights, interest and responsibilities, and providing for the assessment of lots or units to fund common expenses shall be required and approved by the Planning Board and shall be included in the deed for each lot. The documents shall also include a management plan for the common open space and facilities.	Y*			Note 19 currently states the Open space to be owned and maintained by the Chicks Crossing Village Owners Association. Draft HOA documents, Bylaws and sample Deed have been provided to the Town <u>and shall be reviewed by the Town Engineer and Town Attorney during the final application review.</u>