

December 11, 2008

To: Hallowell CPC

From: Antje Kablitz

RE: Rural Land Use Discussion Summary (Nov. 18 Meeting Minutes)

At the November 18 meeting, the committee began a discussion on future land use policies. The focus was on rural development and included discussions on subdivision alternatives as well as the proposed land use policies. The committee reached consensus on a series of rural land use recommendations. They also had a number of questions for review and further consideration.

The committee's rural development recommendations are primarily concerned with scope and scale. There is a desire to base the need for review and regulation on the size of a project. Most felt that residents looking to build a single home on an existing lot should be allowed to do so with limited oversight. The committee did want attention paid to any development that would have a larger impact on the community such as Scott Cowley's subdivision proposal.

Rural Land Use Recommendations

- **Develop flexibility to allow for greater development options including:**
 - » Lot size flexibility
 - » Reduce minimum lot size allowed (currently 1 acre) and increase the number of units possible in a development.
 - » Calculate densities based on TOTAL area – include undevelopable land
 - » Define minimum subdivision acreage to trigger conservation options
 - » Adjust subdivision standards based on proximity/use of public roads, sewer, and/or water
 - » Provide incentives for conservation subdivision development
 - » Allow multi-family townhouse development in appropriate areas (North of Winthrop Street and along major roadways).

- **Revise design standards**
 - » Maintain buffers/preserve rural viewshed (ensure major subdivisions cannot be seen from the road)
 - » Drop compatibility standards for individual residential development
 - » Encourage variety of residential styles in large subdivisions (avoid cookie cutter developments)
 - » Require design standards for commercial development

- **Review and update allowed uses in the rural area**
 - » Base allowed uses on scope, scale, and impact to ensure compatibility with rural character.
 - » Limit the development of “urban amenities” such as libraries and retail and grocery stores.
 - » Continue to support small-scale farm-related commercial development such as farm stands and home occupations.

Questions about Rural Development

The major questions around the rural development have to do with traffic and impact. They included understanding when traffic studies are required by the City and the type and design of roadways. Other questions focused on defining what constitutes a large subdivision and examples of local cluster subdivisions.

- **Do current subdivisions require traffic studies?**

A traffic study is not required unless the proposed use is conditional. However, under current subdivision standards, the Planning Board does reserve the right to require a developer to undertake any studies (including traffic studies) it deems necessary or desirable to protect and assure the health, safety and welfare of the citizens of the City.

A conditional use application requires a traffic engineering study on project of substantial magnitude (Section 9-704.1.T). A traffic study requested by the Planning Board must include:

- estimated summer peak-hour traffic generated,
- existing traffic counts and volumes on surrounding roads,
- the capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation, and
- the need for traffic signals and signs or other directional markers to regulate anticipated traffic.

- **Should rural subdivisions include through roads?**

Most developers avoid **through roads** because of the perceived negative impacts on the subdivision. Through roads are designed to connect two public roads and provide direct access through a development. This allows quick, easy access for residents and emergency services but can lead to additional increased and unwanted traffic in residential subdivisions. However, through roads can be useful in areas where limited access or new development would put undue pressure on the public roads.

Historically subdivisions have used **cul-de-sac** road development to limit the access to the developments. Cul-de-sacs provide single access to a development ending in a dead end. This limits through traffic and increases neighborhood security and cohesion but makes it more difficult for emergency services to access a development. Cul-de-sacs also limit connectivity to other parts of the community. Some subdivisions, while limiting car access have trails networks to provide through connections for pedestrian and bicyclists.

Another model of subdivision road development is the “**horseshoe**”. These “U” shape roads provide two access points to a subdivision creating a limited through street, which starts and ends on the same public road. This provides multiple entry and exit points, defuses the impact on existing roads, and provides continuity for emergency and maintenance services. The Tidewater Subdivision below shows an example of a horseshoe designed road network.

- **Should major subdivisions be required to have private or public roads?**

Many communities struggle with the issue of private versus public road development. Both can have significant financial impacts on a city.

Private roads are built, owned, and maintained by a private developer or organization and used for access to a specific development. Depending on local regulations, these roads may or may not meet costly city standards. These benefits the developer, as private roads can be cheaper to construct and maintenance fees can be deferred to homebuyers. They benefit cities as the cost of development and maintenance is in private hands.

However, private roads require significant upfront regulations. A City must be clear about its role in not maintaining private roads and must insure that subdivision residents are clearly aware of their rights and responsibilities when

purchasing a home on a private street (they, or the developer are in charge of plowing, repairing, and maintaining private roads). Due to a lack of regulatory oversight, many communities have had to accepted private roads for public service and maintenance at the request of the abutting property owners increasing the number and cost of roads serviced by public works. This can be especially costly if private roads need retrofitting to meet public road standards.

Public roads are owned and maintained by the city and built to city standards. The roads are often built by a developer but transferred to the city for maintenance and upkeep at the time of completion. These roads can have more upfront cost to developers as standards for public roads are often more costly than those for private roads. However, they can save the developer money in the long term, as they do not have to pay for maintenance and upkeep. The city, on the other hand, may not have to pay for the construction of the road but will be responsible for all plowing, maintenance, and future repairs.

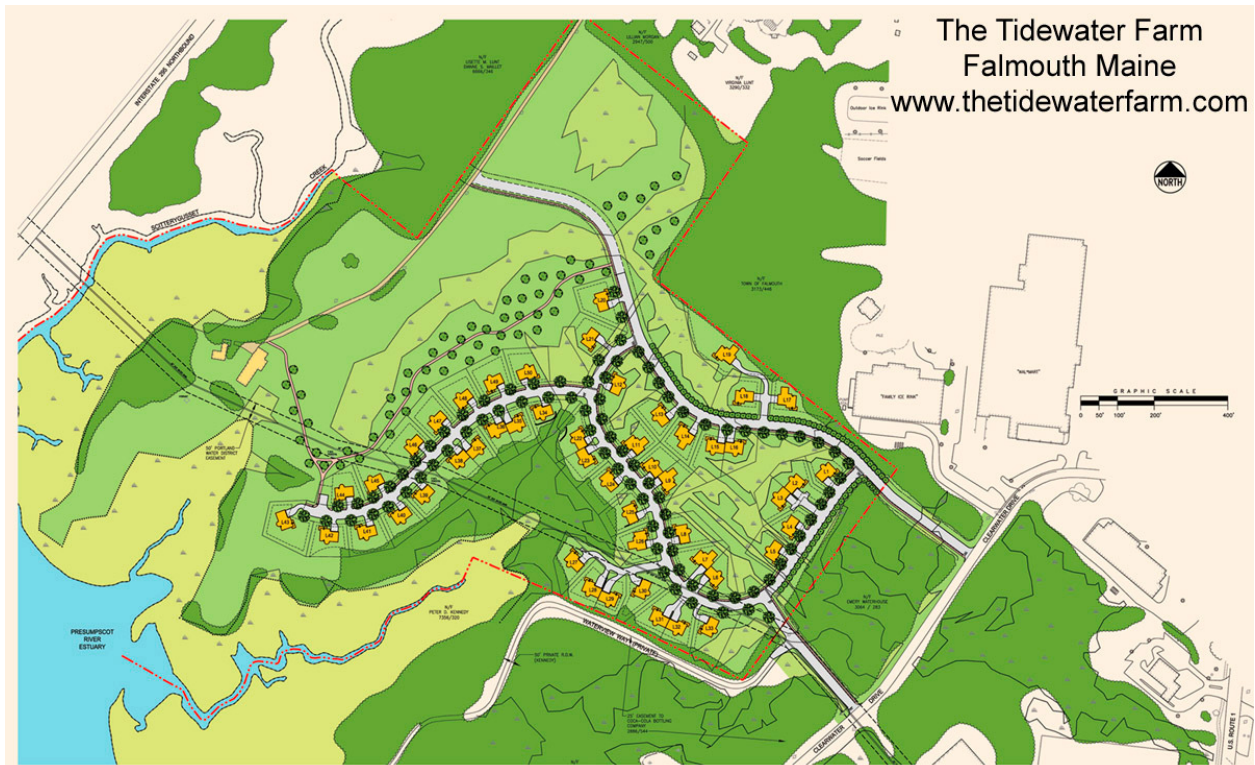
- **What constitutes a “large subdivision”?**

Rather than looking at a subdivision based on its size, it makes more sense to look at them based on scale of impact. Major subdivisions have significant impacts on traffic and services and may require sizable land alteration. They often require the building of roads, extension of utilities, and/or significant stormwater mitigation. This can include subdivisions with a large number of new units or a small subdivision located far from services or private roads. Both could require significant infrastructure and/or service development and have an impact on traffic patterns. Minor subdivisions have limited impact on traffic, services as roads are typically private, and the lots do not require public services.

- **What are some local examples of conservation subdivisions?**

A handful of communities in Maine have subdivisions built to conservation standards. The closest to Hallowell is in Falmouth.

The Tidewater Farm subdivision is a 52 acre, 50-unit subdivision located between Route 1 and Interstate 295 in Falmouth, Maine. The project includes 30 acres of open space managed by an advisory council and each housing lot is roughly 10,000 SF. The project is currently under construction.



- **What is the purpose of Open Space?**

The comprehensive plan should define its intent for open space preservation in the rural area. Is the goal to preserve open space for recreational means or for wildlife preservation? The two require different, but compatible, regulatory guidance. Recreational open space can be designed around existing development parameters and has few specific design needs. The community may wish to connect recreational open space through trails and look to provide easements for public access where appropriate. The committee has shown a desire to develop recreational open space in its language to protect existing parks and expand the connections between them such as encouraging connections between Jamies Pond and The Res.

Wildlife open space requires a specific set of criteria. The goal is to ensure that undeveloped blocks are maintained and wildlife corridors are created to ensure that animals continue to have sufficient habitat to thrive in Hallowell. This would require additional study of the rural area to accurately define significant habitats and corridors and may put additional regulatory pressures on new subdivisions to avoid critical sites. The Town of Brunswick conducted these studies as part of its Rural Smart Growth initiative. They mapped wildlife corridors and unfragmented habitat and developed buffer standards to minimize development impact on these areas.