

ARTICLE 6. SUBDIVISION STANDARDS

In addition to complying with the general performance standards contained in Article 5 and the development review standards contained in Article 8, all projects which are subdivisions as defined by in Article 3 of this Ordinance or which propose creating streets or private roads shall conform to the following additional standards of performance.

A. Permit Required

1. In the Agricultural District, not more than three (3) dwellings in a subdivision shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit issuance. In the Agricultural District, not more than four (4) dwellings in a subdivision being able to hook into public water and sewer shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit submitted. In all districts besides Agricultural, not more than six (6) dwellings in a subdivision shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit issuance. Subdivisions approved under the provisions of 30 M.R.S.A. §4956 prior to March 2, 1976, shall be exempt from this section. Affordable Housing Developments (as defined in Article 3 of this Ordinance) shall also be exempt from this section.

2. Building permits will be issued on a first-come, first-served basis to applicants with complete applications, including all structural plans and septic system plans if applicable. If all permits allowed in the current year have been issued, the Code Enforcement Officer will maintain a waiting list of applicants. To be included on the waiting list, an applicant must present the Code Enforcement Officer in person with a signed application form provided by the Town of Richmond and pay the application fee. At the time an applicant is placed on the waiting list, finalized construction plans and septic plans need not be supplied. Prior to the date when the next cycle of permits may be issued, applications must be made complete, or an applicant will lose his or her place on the waiting list.

3. Permits will only be issued to property owners or to applicants with a letter of permission from the current property owner. Permits are not transferable from one owner to another unless construction has begun at the time of transfer.

AB. Lot Layout

1. Subdividers shall be encouraged to orient lots to make maximum use of direct sunlight (for example, by running side lot lines due north and south, regardless of the resulting angle of incidence with the street line).

2. If a lot on one side of a stream, tidal water, road, or other similar barrier fails to meet the minimum lot size required by the Zoning Ordinance, it may be extended to the other side of the barrier to meet the minimum lot size or for the purposes of individual, on-site waste disposal.

BC. Street Layout

1. Design. All streets shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

a. Arterial Access. Where a proposed subdivision abuts or contains an existing or proposed arterial, the following provisions shall apply:

1. Direct Arterial Access Prohibited. Direct access to any individual lot, ~~or to a single place of business~~, shall be prohibited.

2. Permitted Access. Access to the development may include one of the following; :

- A common frontage road running parallel to the arterial and intersecting a minor or collector street, provided that such frontage road shall be located at least 50 feet from the right-of-way of the arterial, or

- A common driveway, which may intersect the arterial, and which serves the individual lots or businesses or a common parking lot adjacent to the individual lots or businesses.

- Minor Road(s). One or more minor roads, to be constructed by the developer according to the standards of this Ordinance, which shall serve the development.

b. Streets shall be designed to provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent unsubdivided and open land. Where the developer owns substantial contiguous land that is not part of the proposed development, the Planning Board may require a conceptual layout of streets to serve the contiguous land. This layout shall not be binding, but shall provide an indication of how the contiguous area can be served in relation to the proposed development.

c. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.

d. Residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

e. Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector or arterial streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

2. Where a development borders an existing narrow road (below standards set in this Ordinance for public streets), the applicant shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the zoning districts.

3. Where a development abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage lots (frontage on a street other than the existing or proposed arterial street), with screen planting contained in a non-access reservation along the rear property line, or such other

treatment(s) as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

CD. Street and Utility Standards

All streets, utilities, and drainage improvements shall conform to the requirements of the Town of Richmond's Street Design and Construction Standards Ordinance as it may be amended from time to time. Private roads shall adhere to the standards in Article 5 Section S.

DE. Open Space

The development plan shall provide for recreation areas and open space to meet the needs of residents and users of the development.

1. For subdivisions involving the construction of ten (10) or more new residential ~~dwelling units~~ dwellings, a portion of the site shall be set aside as permanent open space or recreational land. This requirement does not apply to subdivisions within the Growth Area as defined in the current Town of Richmond Comprehensive Plan.

2. The size of the area to be set aside for open space shall be an area equal to ~~ten (10) percent~~ 10% of the minimum lot area required for the units on lots, 30% in the AG&FOR Agricultural district.

3. No portion of the site used to meet the minimum lot size requirements for a subdivision, including a clustered residential development, shall be used toward meeting the open space set aside requirement of subsection 2.

4. The area to be set aside for open space shall be shown on the development plan and ~~market~~ marked "Reserved for Recreation and/or Conservation Purposes".

5. The open space provided to meet this requirement shall be owned and managed by one of the following methods:

- a. Continued ownership by the project owner for developments involving rental housing, mobile home parks and similar situations where the development remains under single ownership; or
- b. Ownership by a condominium or lot owners association for developments involving the creation of separate lots, condominiums or other situations where the development is owned by a number of entities; or
- c. Dedication of the land to the Town of Richmond as public park land; or
- d. Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.

6. The Planning Board shall approve the arrangements for the ownership, control and maintenance of the open space as part of the approval of the final plan. No changes in the ownership or management of the open space shall be made without Planning Board approval. The arrangements for the ownership and management, if the open space is not be dedicated to the Town, shall provide for at least the following:

- a. That the area shall be permanently maintained as open space;

- b. That there shall be no transfer of the open space separately from the remainder of the development without approval of the Planning Board;
 - c. That there shall be no division of the property;
 - d. That no structures or buildings other than those shown on the approval plan shall be erected in the open space;
 - e. That any agricultural or forestry activity be carried out in accordance with an ~~approval~~ **approved** plan of action.
7. The land designated, as open space shall meet the following requirements:
- a. The site shall have pedestrian access from a public street and shall be of such size, shape, and topography as to be useable for open space or recreation purposes;
 - b. Parcels which can be combined with existing Town owned property, dedicated open space on adjacent parcels, or with possible future land dedications shall be given priority; and
 - c. The land will be maintained in a useable condition and retained in a natural state to the maximum extent possible. All clearing, grading, and material placement or removal shall be carried out in accordance with the approved plan and under the supervision of the CEO.

EF. Planned Unit Development and Cluster Development

1. Purpose

The purposes of these provisions are:

- a. to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no more than 10% greater than is permitted in the district in which the development is proposed; and
- b. to require that certain subdivisions be clustered so as to avoid or minimize the development of agricultural land, to retain significant natural resources and wildlife habitats, promote rural character, retain scenic areas, and preserve undeveloped buffers along road corridors which are especially scenic such as the River Road and the western portion of the County Road.

2. Cluster Development Required

Subdivisions of 10 or more lots shall be designed as cluster developments when the site to be developed contains one or more of the following features as identified in the Comprehensive Plan:

- a. 5 or more acres of ~~prime farmlands~~ **farmland**;
- b. 5 or more acres of deer wintering areas;
- c. 5 or more acres of moderate to high value waterfowl areas;
- d. Significant scenic resources of a public nature;
- e. 500 feet or more of frontage on the River Road and that portion of Main Street lying west of westerly; boundary of the Abagadasett River;
- f. Open fields along Main Street/County Road and the Alexander Reed Road west of the village. Development shall be designed to preserve to

the maximum extent possible the scenic character of these areas and to maintain, to the maximum extent possible, a transition from a rural to a village environment.

Cluster development requirements shall not apply to subdivisions located in the Growth Area as defined in the current Town of Richmond Comprehensive Plan.

The Planning Board may permit a non-cluster development only upon a finding that a cluster development would not preserve or protect the above-listed resources or that the above-listed resources will be protected or preserved through other means, or that the topography of the site, combined with other site constraints, precludes a cluster development.

3. Basic Requirements

Planned unit developments and cluster developments shall meet all of the following criteria:

~~a.~~ The minimum area of land in a planned unit development or cluster development shall be ten (10) acres, 20 acres in the AG&FOR district.

~~b.~~ a. Any lot abutting a public road shall have a frontage and area no less than that normally required in the district. On other than public roads, lot area and road frontage may be reduced by not more than thirty (30) percent from the requirements of the district in which the proposed development is located provided that:

1. no building lot shall have an area of less than ten thousand (10,000) square feet.

2. all lots except those abutting a circular turn-around shall have a minimum frontage of seventy-five (75) feet. The frontage of lots abutting a circular turn-around may be reduced to fifty (50) feet, provided that the minimum lot width at the face of the building shall be seventy-five (75) feet.

~~c.~~ b. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the district.

~~d.~~ c. Lots in a planned unit development or cluster development shall meet all other dimensional requirements for the district in which they are located.

~~e.~~ d. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area, that would be required in the district with the density bonus (see paragraph ~~m~~ j). In the case of a cluster development in the AG&FOR Agricultural district, 30% or more of the total parcel shall be permanently set aside as open space to be used for low intensity recreational, natural resource, agricultural or forestry purposes.

~~f.~~ e. Every building lot that is reduced in area below the amount normally required shall abut such common land for a distance of at least fifty (50) feet.

~~g.~~ f. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association which has as its principal purpose the conservation or

preservation of land in essentially its natural condition, or by the municipality.

~~h~~ **g.** Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.

~~i~~ **h.** Where a planned unit development or cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

~~j.~~ All dwelling units in a planned unit development or cluster development shall be connected to a common water supply and distribution system, either public or private, at no expense to the municipality.

~~k.~~ All structures with required plumbing in a planned unit development or cluster development shall be connected to a public sanitary sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.

~~l~~ **i.** Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development.

~~m~~ **j.** Notwithstanding other provisions of this Ordinance, there shall be a density bonus for cluster subdivisions as follows:

1. There shall be a density bonus of 5 percent for all cluster developments, to be calculated by subtracting five percent of the lot size normally required in the district from the lot size requirement, to arrive at the overall density requirement of the subdivision.
2. There shall be a density bonus of an additional 5 percent, to be calculated by the method set forth in paragraph 1) above, for cluster developments served by public water and sewer where the developer submits evidence and the Planning Board determines that at least 25% of the housing units can be afforded by households at or below 80% of the Town's median household income (per figures published by the State Planning office or National Planning Data Corporation). In making a determination on the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed 30% of the 80% median household income figure. Shelter expenses shall include the following: mortgage and/or rental costs, taxes, homeowners/tenant insurance, heat and utilities.

(END ARTICLE VI)