

Report of Stakeholder Meeting #2 Subdivision Rule Review Process Maine Land Use Planning Commission

Introduction

The Land Use Planning Commission (LUPC) has initiated a project to review and potentially revise the portions of the Commission's rules that govern the process of creating subdivisions in the Unorganized Territory (UT). As part of this project, the Commission is holding three meetings to provide stakeholders an opportunity to participate in the review process.

The first stakeholder meeting was held on October 29, 2014. The focus of the meeting was on identifying the issues with the subdivision rules that should be the highest priority for review. The issues were divided into technical issues with the current rules and broader policy issues.

Following the first stakeholder meeting, LUPC staff determined that the best use of the second stakeholder meeting was to focus on the broad policy issues raised at the first meeting. These issues included the types of residential subdivisions including Level 2 subdivisions, the layout and design of subdivisions including the provisions for community centered design, the treatment of cluster development, and provisions for open space as part of subdivisions. The technical issues will be addressed by the staff as part of the third stakeholders meeting.

The second stakeholder meeting to look at the broad policy issues was held on Wednesday, January 6, 2015 at Jeff's Catering in Brewer. The meeting was originally scheduled for December 3, 2014 but was postponed due to inclement weather. The January 6th session ran from 9:00 AM to around 3:00 PM with a short lunch break. In preparation for the second meeting, LUPC staff and Planning Decisions developed a set of questions about each of the policy issues based on the feedback from the first meeting. These questions were provided to stakeholders prior to the January 6th meeting and were used to guide discussion at that meeting. The summary of the results of the meeting is organized based on these questions. During the discussions, many comments and suggestions were made in response to one question but actually applied to another question. The notes compiled during the discussions are included in

Appendix B in the form that they were recorded during the meeting. In preparing the summary, the feedback was reorganized somewhat to fit into the question format for the purpose of creating this record. In sections B, C, D, and E, the questions from the worksheets are in shown in italics.

Twenty stakeholders including representatives of both the regulated community and statewide organizations participated in the meeting. The sign-in sheet is attached as Appendix A. In addition, two members of the Commission (Mike Theriault and Everett Worcester) attended the meeting as observers. Also, a number of LUPC staff attended and participated in the meeting by providing information in answer to questions from the stakeholders and as facilitators for some of the small group discussions. Mark Eyerman and Sarah Curran from Planning Decisions, Inc. facilitated the meeting.

A. Overarching Themes

During the discussion of the four policy areas, two broad themes emerged. These appeared throughout the discussion of the various questions:

1. There was a broad sense that there is something of a mismatch between what the rules require and encourage and what the market for lots in the Unorganized Territory is looking for. There were a number of comments about buyers wanting larger lots with privacy while the rules require or encourage subdivisions with small lots and shared and/or community facilities.
2. There were a number of suggestions that policy decisions should be based more on assessments of the natural resources and development suitability of areas rather than theoretical development models including the adjacency principle. A number of times, stakeholders suggested the need for mapping to make sound decisions on locational policy issues.

B. Types of Residential Subdivisions

The following sections summarize the responses to the questions about the types of residential subdivisions. These summaries are based on the comments and suggestions of the individual stakeholders. The comments do not necessarily reflect the opinion of the entire group and there was no attempt during the meeting to either quantify the support for various positions or to reach a consensus.

Level 2 Subdivisions

1. *Are there changes to the technical standards for Level 2 Subdivisions that would make*

subdivisions of this type more attractive where they are currently allowed?

Stakeholders suggested a number of changes to the provisions for Level 2 Subdivisions including:

- Revise the maximum area requirements so that subdivisions can be developed that have larger lots
- Eliminate the requirement for clustering and create incentives to encourage its use
- Revise the standards for road access to these subdivisions and don't require proof of legal access rights (let the buyer beware)
- Allow roads and common infrastructure to be maintained through deed requirements rather than with a homeowners association
- Eliminate or increase the distance from a public road (this is also a locational issue)

2. *Is there a need to consider revising the rules for Level 2 Subdivisions to provide more options for where they can be located?*

Some stakeholders felt that the current Level 2 provisions are not accomplishing the objective for which they were created. A few stakeholders suggested that there is little or no developable land that meets the current locational criteria. There was discussion of including more areas where Level 2 Subdivisions are allowed but some stakeholders expressed a desire that there still be some connection to infrastructure. As noted in the overarching themes section, some stakeholders felt that it is important that this process be based on mapping of factors such as areas with development constraints, existing infrastructure such as public roads, and current development patterns. There was a note of caution expressed as to whether the lack of Level 2 Subdivision development was a function of the current rules or the broader real estate market.

3. *If the locational standards for Level 2 Subdivisions are revised, how do you think they should be changed – be as specific as possible and make proposals how the rules should be revised?*

Stakeholders suggested a number of ways to increase the geographic areas within which Level 2 Subdivisions are allowed including:

- Expand the distance around service centers where Level 2 subdivisions can be located – up to 60 miles was proposed

- Allow Level 2 Subdivisions in townships that have a public highway or that abut an organized town
- Designate all areas that have soils that are suitable for development for Level 2 Subdivisions
- Allow Level 2 Subdivisions in areas based on analysis of conditions such as soils, natural resources, conservation easements
- Allow anywhere in the unorganized territory

Small Subdivisions – Level 3 Subdivisions

1. *Is there a need to create another category of subdivisions for small subdivisions?*

The response from stakeholders to this question was mixed and conditioned upon how the requirements for Level 2 Subdivisions are revised. In general, there was support for being able to create subdivisions with a small number of lots without having to provide all of the information currently required for subdivision applications. There was a suggestion that if a simplified process was created for small subdivisions (a maximum of five lots was mentioned), there would not be a need to create a separate category for small subdivisions. There was a concern raised that a Level 3 Subdivision process not create the potential for the incremental creation of larger subdivisions.

2. *If a new category is created, how do we define what a small subdivision is?*

There was limited feedback directly on this question but something like a maximum of five lots seemed to be what stakeholders were considering when discussing this option. It was noted that the 40 acre lot exemption was removed from the law years ago and nothing was established to allow large lot development except via the 2-in-5 approach (creating not more than two lots in five years to avoid being a subdivision).

3. *Where should small subdivisions be allowed?*

If small subdivisions are allowed as a separate category with simplified submission and review procedures, some stakeholders suggested that they should be allowed in more than the 42 townships where Level 2 subdivisions are permitted. There was a suggestion that location could be governed by either identifying locations where they would be allowed or by establishing locational criteria that could apply to the entire UT. One stakeholder suggested that staff needs to build a map of potential areas starting with the 42 townships where

Level 2 subdivisions are allowed and then adding other townships with public roads, townships that are adjacent to organized towns, plus areas that are within 60 miles of an identified service center. There was also discussion that the locational issue should consider infrastructure – an infrastructure threshold.

4. *What locational criteria should they be required to meet?*

In addition to the general locations noted above, there were questions about whether small subdivisions should be allowed in proximity to lakes and environmentally sensitive areas or just on backland. It was suggested that staff think in terms of where not to allow them – in sensitive areas, large areas with natural resource activity, and on very large lots with other potential functions. A concern was that small subdivisions do not undermine the character of the area.

Large Lot Subdivisions

1. *Is there a need to create a mechanism to allow “large lot” subdivisions?*

The sense was that there is a market for large lots, that the current rules including the provisions for Level 2 Subdivisions make large lot subdivisions virtually impossible to permit, and the only option is 2-in-5 development. It was noted that the removal of the 40 acre lot exemption has limited the ability to create large lots. There was a suggestion that large lots are more appropriate in backland with smaller lakefront lots. There was a suggestion that allowing one building or camp to be placed on lots that are created under the forestry, agriculture, or conservation lot provisions would address much of the problem. These lots would be big enough to be used for natural resource purposes.

2. *If large lot subdivisions are allowed, how do we define a “large lot” – more than ___ acres?*

While the old “40 acres” was suggested, it was noted that this may not be relevant in today’s market. Potential buyers are interested in privacy. One stakeholder suggested that a lot as small as ten acres as required by the tree growth tax program could be appropriate. It was noted that well designed large-lot developments can help preserve resources in some situations by reducing fragmentation or preserving character. There was concern expressed about the incremental impact of allowing large lot development in terms of creating sprawl and impacting the forest resource.

3. *Where should large lot subdivisions be allowed?*

A stakeholder observed that some of the large lots that are exempt from subdivision review currently have to be located away from a lake or a wetland. That statutory subdivision exemption also does not allow for residential development on those lots. It was noted that it is hard to create a large lot in the UT that is 250 feet away from a wetland.

4. *What locational criteria should they be required to meet?*

It was suggested that the structure that is placed on a large lot should be required to meet the 250' from a wetland requirement not the entire lot.

Other Issues with Residential Subdivisions

1. *Is there a better way to organize the treatment of subdivisions by their size or type?*

One stakeholder observed that there is a need for economic development in the UT and that people who live in the UT would like to see a faster pace of development.

C. Layout and Design

The following sections summarize the responses to the questions about the layout and design of residential subdivisions:

1. *Should the rules allow a subdivision to be designed based on a detailed site inventory and analysis rather than the current rules for the layout and design of a subdivision?*

Stakeholders identified a number of concepts with respect to the use of a site inventory:

- The idea was seen as having merit but with caution. It was noted that one size doesn't fit all situations and there is a need to have flexibility to work around specific site conditions
- There appeared to be support for this approach to subdivision design as an alternative approach but not as a mandatory approach
- There was a sense that it is more appropriate for larger developments – in one

- group it was characterized as “small and cookie cutter, and large and negotiated”
- There was a concern about the amount and detail of information that would be required to be provided – the cost is a concern
 - There were suggestions for addressing the design in a pre-application meeting, having a site walk of the property, and assuring that the staff had authority to approve alternative designs

2. Is there a need for different rules to address subdivisions in different situations (islands, heavily developed lakes, very rural non-waterfront areas, hillsides)?

There was a sense that there are different situations that need to be addressed differently. Islands have different concerns. Lakefront vs. backland development requires different considerations. Small subdivisions vs. larger developments may need to be treated differently. The natural environment also needs to be considered – sensitive areas. There were comments about the current rules requiring urban development in very rural situations. There was a comment about “community centered design” being appropriate in heavily developed areas vs. more remote locations. The development pressure in various areas of the UT might be a consideration – stricter standards in areas with heavy pressure and reduced standards in areas with limited pressure.

3. If so, what types of areas need different standards and what should those standards address?

In addition to the concepts discussed in 2, there was discussion of the difference between lakefront and backlot development and the need to treat them differently. As was raised in 2, the idea of treating remote development differently than subdivisions near developed areas was raised.

4. When should community centered design be required for subdivisions?

Opinions varied on this question. Some panelists felt that community centered design should never or rarely be required. There were suggestions that it should be an option. There were some people who leaned toward requiring it in limited situations; near a heavy growth area, where infrastructure and community resources exist, or when there are natural or recreational resources that are being over utilized or need to be protected.

5. Are there circumstances when linear lot layouts are the best design option? If so, in what

situations should linear lot layouts be allowed?

Individual stakeholders identified a number of situations in which a linear layout may be preferred including where there are constraints on the site, for small subdivisions, or where large lots are being created. There were a number of comments about the lack of a market for backlots in this style of subdivision but also concerns about not planning for the future use of backland. There were a number of comments about the lack of flexibility in the 1320-500-1320 pattern set out in the rules and the difficulty in applying this in various situations. One stakeholder suggested an option of using performance standards as an alternative to prescriptive standards.

6. Is there a need for a phased development provision in the subdivision approval process? If so, how should it work?

There seemed to be a sense that there is a need for some process to allow phased development of a subdivision. The idea of a conceptual master plan for the overall development that addresses things like access and overall use of the parcel combined with approval of the lots on a phased basis seemed to come out but with cautions about the amount of information that would be required on the overall parcel. It was noted that construction of the infrastructure would need to match the buildout of the phases. A stakeholder suggested ways to create incentives such as reduced fees or regulatory changes.

7. Should road setbacks be reduced in subdivisions? If so, under what circumstances?

There were a number of suggestions that setbacks on internal roads that aren't used by the public could be reduced or established to reflect the development goals. At the same time, some stakeholders felt they are fine as is. A stakeholder observed that the primary concern on internal roads should be safety and fire protection. Two sub-issues emerged from this questions – how outbuildings, especially those with no power or plumbing, should be treated for setbacks and how to address setbacks in pre-existing development

8. Does there need to be more flexibility in the subdivision road standards? In which situations?

The sense seemed to be that there is a need for more flexibility in the road standards to allow the roads to match the area and the purpose of the subdivision. Ideas suggested included:

- Allowing smaller roads in remote areas or as extensions of land management roads
- Using grass roads for low volume roads in remote areas
- Allowing steeper roads for short distances (200') or to follow the contour of the land or where existing roads exceed the standards
- Providing flexibility to address specific situations such as ski areas

At the same time there were concerns expressed that roads still should be required to meet requirements for drainage and erosion control.

9. When should shared driveways and accesses be required? Encouraged?

The sense of the discussion was that shared drives and access should generally not be required but that they should be encouraged. Their use may be appropriate for long driveways or as part of a phosphorous control plan or in situations with sensitive conditions that need to be worked around.

10. Are there other standards for the layout and design of subdivisions that need to be reviewed?

In addition to the ideas covered above, a few additional concepts were suggested. These included assuring the future expansion of subdivision or its access is considered, questions as to why both setbacks and building envelopes are needed, and consideration of emergency vehicle access.

D. Cluster Development

The following sections summarize the responses to the questions about the use of cluster development in residential subdivisions:

1. What are the positive and negative aspects of clustering? Are they different based on the setting or situation?

Stakeholders in the group discussing clustering identified the following positive aspects:

- Requires less infrastructure
- Creates less resource alteration
- Provides flexibility for design and place-making

They also felt it may not fit with the desires of the market for big lots and privacy.

The sense was that setting matters; for high value lakes it makes sense but not so in remote locations. It was noted that clustering may allow more people to enjoy a resource.

2. In what situations should clustering be allowed?

The sense was that it should be allowed anywhere a developer wants to use it – it reduces infrastructure costs and allows for the protection of resources.

3. And in what situations should clustering be required?

Where clustering is required should be a function of where it is located and the form of clustering. Some stakeholders felt it should be required for subdivisions on Class 4 & 5 lakes unless performance standards can be met. It was suggested that there may be better approaches in these situations such as larger lots. It was suggested that scale may be a factor. There were concerns expressed about whether there really are cost savings and problems with wells and septic systems on smaller lots.

4. Are there things about the technical requirements for clustering that should be revised? If so, how should they be changed?

Two concerns emerged in the discussion – the requirement for 50% of the land to be open space and the type of land that can be included in the open space. These were viewed as excessive by some stakeholders.

5. Are there any other things about the rules relating to cluster development that need to be revised?

Is there a market for this type of development in the UT – there should be some market analysis? LUPC should evaluate whether clustering accomplishes the goals such as limiting clearing, reducing infrastructure, and creating incentives for pre-commission types of development.

E. Open Space

The following sections summarize the responses to the questions about the provision of open space in residential subdivisions:

1. In what situations should a subdivision be allowed to set aside area as open space?

The sense is that setting aside open space should be allowed anytime and should be encouraged through incentives such as reduced lot sizes, getting an extra lot, etc.

2. When should a subdivision be required to include open space?

The general sense of the discussion seemed to be that open space should be required for very large subdivisions (100 lots), when there is stress on community resources, when the subdivision is located in a developed or growth area or there is a lack of open land near the subdivision, or when the subdivision is clustered. Some stakeholders also suggested that open space should not be required in small subdivisions (5-10 lots) and that this open space is hard to manage since holder options are limited. There were comments that open space should not be required when there is preserved land in the area and that the provision of open space should not be dependent on another owner's property.

3. Should paying an in-lieu-of fee rather than setting aside actual open space be an option? If so, under what circumstances?

There was limited feedback on this concept but stakeholders seemed open to this concept as long as the money was used to protect land or improve a community resource such as a boat launch. The sense was that any funds should go to a conservation organization or land trust or similar organization.

4. If a subdivider can pay a fee, what mechanism is appropriate for this?

Conveying land to a local land trust not to a bank or state in-lieu of fee program was the only mechanism suggested.

5. Are there any other things about the rules relating to open space that need to be revised?

There were two suggestions relating to the holding of the open space. There was discussion of allowing a single land owner to keep the open space subject to deed covenants but suggestions that there may need to be third party enforcement of the covenants. It was also suggested that the open space could be owned in common by the lot owners without the creation of a lot owners' association.

Appendix A
Attendee Sign-In Sheet

Please sign in

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Appendix B

Meeting Notes

LUPC Stakeholder Meeting 2

Part I Types of Residential Subdivisions

Level 2 Subdivisions

1. Are there changes to the technical standards for Level 2 Subdivisions that would make subdivisions of this type more attractive where they are currently allowed?	
<p style="text-align: center;">Initial Responses</p> <p>change road standards for access to parcels for level 2: ownership/right to use eliminate 2a-e (p 220): eliminate or increase max area, eliminate distance to public road requirement, eliminate adjacency requirement, remove stream restriction</p> <p>are the clustering and open space requirements necessary level 2 lots don't appeal to market, buyers looking for larger lots (min 10 acres) 2d: 1 mile adjacency is based on historic</p> <p>is there a need for homeowners' assoc and covenants requirements</p>	<p style="text-align: center;">Additional Discussion and Comments</p> <p>shouldn't have to prove access - buyer beware</p> <p>instead of require clustering, encourage with incentives: space standards, do more land</p> <p>unique to jurisdiction common infrastructure? Maintain roads with covenant in deed - camp roads</p>
2. Is there a need to consider revising the rules for Level 2 Subdivisions to provide more options for where they can be located?	
<p style="text-align: center;">Initial Responses</p> <p>add townships to list if there is a public highway or abuts organized town in all townships where meet maps indicate soils are suitable, be automatically allowed 60 mile radius around service center and define service center (more than adjacent)</p>	<p style="text-align: center;">Additional Discussion and Comments</p> <p>anywhere in jurisdiction</p>

plan with additional information and layer regulation on top (resources, conservation easements)
add county areas identified for growth
balance regulation

Is the problem the standards or the economy?

2004 to 2008 those lots didn't sell
no land that meets standards

3. If the locational standards for Level 2 Subdivisions are revised, how do you think they should be changed – be as specific as possible and make proposals how the rules should be revised?

Initial Responses

Additional Discussion and Comments

Small Subdivisions – Level 3 Subdivisions

1. Is there a need to create another category of subdivisions for small subdivisions?

Initial Responses

Are there exemptions?
Would there be a need if went through permit by rule process for less than 5 lots?

level 3 won't solve the problems, make level 2 process less onerous and don't need level 3
more user friendly
How to prevent incremental level 2 by using level 3 process?

Where?

Additional Discussion and Comments

beyond 3 in 5 requires permit
prepare an application takes time and resources, category where if you meet don't have to
checklist of criteria to meet for permit

that's what happens now
DEP common scheme of development for big picture

2. If a new category is created, how do we define what a small subdivision is?

Initial Responses

need to define large first and level 2 - may not be a need
lost 40 acre lot exemption, nothing to fit market

Additional Discussion and Comments

3. Where should small subdivisions be allowed?

Initial Responses

If 5 or less with simplified process?
would have to be broader than the 42 towns or won't be used
not just process is a barrier, locations in those 42 towns
identify zones or set up parameters
Build the map: 42 towns plus whole town, other towns with roads,
adjacent to organized town, plus within 60 miles of service centers, can
narrow the level 2 locations and then do level 3 fit in same areas or
should they be allowed in broader area?
2 issues: location and simple process
if less oversight, need more restrictive where to ensure that the whole
doesn't undermine character of area
infrastructure threshold, along existing could trigger PBR
proximity to lakes, environmentally sensitive areas vs backland
where not to allow them: sensitive areas, large natural resource activity
and preserve very large lots for function

If increase distance from road, what does that look like?

Additional Discussion and Comments

from landowner perspective, zone to protect decreases value,
would like to see ways to allow/incentivize where it should
lots of activity for working forest easements = speed bump
for development

4. What locational criteria should they be required to meet?

Initial Responses

add to map, numbers and absorption rate

Additional Discussion and Comments

Large Lot Subdivisions

1. Is there a need to create a mechanism to allow “large lot” subdivisions?

Initial Responses

a void and nothing has replaced the 40 acre, could never get it permitted
there is a market, explore ways to connect rezone to permit
dangerous to look at past numbers, process will change what those look
like in future
bigger backlots vs smaller lakefront

Additional Discussion and Comments

2. If large lot subdivisions are allowed, how do we define a “large lot” – more than ___ acres?

Initial Responses

fear of sprawl and loss of forest resource
market wants privacy, as long as size and rest is managed
40 acres
if you could put a single building on forestry, ag, conservation, would
meet demand and be big enough to operate
tree growth requirements = 10 acres
if exemption is 40, will get 41 acres

Additional Discussion and Comments

Can't you have a camp? No, should be able to have 1
10 with tree growth

a lot has changed, different buyers, don't get hung up on 40, couldn't do 5 x 1000 lots
even at slow pace, incremental has impact

is there a simpler process for huge lots and 1 camp
a place in the middle

3. Where should large lot subdivisions be allowed?

Initial Responses

away from lake or wetland presently

If allow current forestry to have a single, would it solve the problem?

statute change, "solely" to "primarily" for management and allow 1 seasonal residence

Additional Discussion and Comments

hard to get 250 feet away from wetland
need maps

2 location questions: first where allowed, then what size

4. What locational criteria should they be required to meet?

Initial Responses

if large lots, can't have 250 from wetlands requirement

Additional Discussion and Comments

structure needs to meet, not lot

Other Issues with Residential Subdivisions

1. Is there a better way to organize the treatment of subdivisions by their size or type?

Initial Responses

economic development and the people who live there want to see a faster pace

Additional Discussion and Comments

Part II Layout and Design

1. Should the rules allow a subdivision to be designed based on a detailed site inventory and analysis rather than the current rules for the layout and design of a subdivision?

Initial Responses

One size approach doesn't fit everywhere

Yes

Less predictability

Takes longer to complete review

Two approaches- small and cookie cutter, and large and negotiated

DEP has approach for subdivisions that work using of standards

Center for Rural Design

Where?

Option not a requirement

More appropriate for remote areas, not near already developed

More appropriate for larger projects

Adjacency a concern for large properties with lake front

Should have inventory in place already

Address design in the pre-application meeting

Staff needs to have leeway to accept reasonably proposed designs

base design on the natural features at the site, but keep in mind need to maintain predictability for applicants

Should be a consideration - might have different factors and features that need to be worked around.

Level of detail should match the need. E.g. identify bldg. envelopes

Needs to be cost conscious

Based on walking around site

Additional Discussion and Comments

look at site analysis as an alternative approach but not overload info requirements so not economical, character of development pattern is consideration

Soils should support the site location
 Staff, landowners, and consultant should go into the field
 Design stds override some of the limiting features
 Many sites are more challenging and therefore require additional flexibility
 Current design stds
 Backlots sell for privacy to front lot owners. Also economic factors - in a hot market backlots will sell
 Accommodating future development

2. Is there a need for different rules to address subdivisions in different situations (islands, heavily developed lakes, very rural non-waterfront areas, hillsides)?

Initial Responses

Lower development pressure rules more open
 Mid area of development start to look closer
 Heavy development pressure need stricter standards
 Carrying capacity issues with islands
 Existing developed areas vs. remote areas should be addressed
 No urban pattern forced into remote areas
 Do not force village in remote areas for seasonal use
 Plan for 10 to 20 years down the road
 Allow for "cookie cutter" predictable approach for smaller project
 Allow for more conceptual design standard for larger projects or near sensitive areas

Yes, because each situation is different in the UT
 perhaps community center design is more appropriate for heavily developed lakes vs more remote locations

Perhaps a PBR approach could address some of the natural resources

Additional Discussion and Comments

Currently there is too much emphasis on staff to interpret "practicable". It's important for the agency to have side-boards to guide staff interpretations.

that impact design

To some extent this is addressed through zoning.

Yes

Should be based on sensitive areas - look at carrying capacity
Criteria based rather than locations - look more carefully at ph loading on heavily developed lake

Similar to town planning board

Which sets of criteria are applicable to given location

could develop a table that are the review criteria

Example - very rural non-waterfront location - current rules push to urban model

Ability to create small lots works in a linear pattern -

need for different lakefront vs. backlot and fewer vs. more lots

standards depending on development pressure

criteria inc natural resources

3. If so, what types of areas need different standards and what should those standards address?

Initial Responses

Near development vs remote areas

Use more prospective planning processes for growth areas

Islands

level of intensity in design of subdivision could be tied to the natural resources

Assuming large lots

Lake front v. backlot - value of land is so different you need separate level of review

Separate std because of the value of the two types of land, the expectations of buyers, and the sensitivity of the resources around lakes

Determine which stds apply to waterfront v. backlot

Backlots connected to lakes v. backlots much further away from lakes - if you cross a road or you can't see the lake it is a backlot

Additional Discussion and Comments

Backlots should be bigger lots - makes them less visible
Demand is for privacy

4. When should community centered design be required for subdivisions?

Initial Responses

Near existing developments
Consider lake as a community center

Shouldn't be required
Leave as an option
High growth area
Tie to public infrastructure, (public sewer and public water). Indicates a village.
Where community resources are getting overloading
Rarely and only when needed
community center design isn't workable, demand is for remoteness vs a community centered design
flexibility already largely exists to allow this design when appropriate
Never - should be an option
But if big enough you need to provide an amenity that is a community asset that mitigates the impact to recreational resources
If the impact on recreational resources then need to provide some community resource
Should always be allowed
Issue - when there is a threshold that gets crossed for recreational resource impacts, how do you address that from the cumulative development
Distances are [perceived differently - community assets can be farther away
Keep in mind the conservation that is in the area that is available for public use

Additional Discussion and Comments

optional
only when needed to mitigate impacts on other recreational uses
option unless heavy growth area
not just site specific

1320 is too short - 10 miles could be close
not just a park - could be lake

Proximate assets need to be considered

5. Are there circumstances when linear lot layouts are the best design option? If so, in what situations should linear lot layouts be allowed?

Initial Responses

Yes
Protect resource by limiting development on the resources using linear design
Okay for small subdivisions
Should be market driven
is it always appropriate to require community-centered design in remote locations where backlots may be difficult to sell

Linear lots are not as bad as they are made out to be
shorefront lots can be more appropriate for residential development, while backlots may be more appropriate for forestry/other uses
important to prevent preclusion of future design (backlots)
Yes there are circumstance - topography and construing features (e.g. boulder field)
Appropriate for smaller subdivisions and larger lots
Appropriate where adjacency prevents rezoning
Should be able to do 6 lots within the 1320 or add some distance

Provide flexibility to the measurement

Might want to cluster lots but gaps could impact that
The gap makes layout challenging

Additional Discussion and Comments

marketability of backlots
less of a market for backlots in remote areas vs. more popular locations like Rangeley/Moosehead region
If you don't plan for backlots today, then you could compromise future design considerations
being done now even if not formalized in std
Market considerations - smart to design linear lots with gaps for water access anyway
value of common access: aesthetics, common access

yes: topography, adjacent to existing linear, smaller subdivisions

more flexibility than 1320 - 500 - 1320 if you can achieve the goal with different layout (visual, habitat, character)
flexibility is more time consuming to review
Are the current rules meeting the balance?
prescriptive as default if you don't want to meet performance standard

linear better for larger lots in backlands

6. Is there a need for a phased development provision in the subdivision approval process? If so, how should it work?

Initial Responses

Yes, master plan
ID phases upfront
Plan for access, but don't have lot layout
Lower topo survey requirement for master plan
Be careful how much information is required up front
Phase infrastructure development to match build out
Benefit for landowner? Pre-approval?
Phased development would help alleviate costs (roads, soils work, etc.)
phased approach: design phase one lots and roads, etc., and then do some of the big-picture planning for subsequent phases
Incentive for phased development: could be adjusted fees, regulatory?
Yes
Need to be predictable as well
Approval up front for all of it
Option to get it all approved at once or over time
Option to do analysis up front or over time

Additional Discussion and Comments

Clarification: permitting or lot creation? (Both?)
What is biggest expense? (roads, preliminary soils work,
as an option - flexibility
get it all approved up front (save costs)
needs to be looked at because there is not a process now

7. Should road setbacks be reduced in subdivisions? If so, under what circumstances?

Initial Responses

Need ability to ask for waiver where appropriate to the area
Where a community or cluster design is proposed. Allow for building closer to the road.
Match setback with the concept of the development goals
No - they are fine

Additional Discussion and Comments

outbuildings with no power, no plumbing
a bigger issue than subdivisions - prevailing

not excessive
 Internal roads that are not open to public there should be no required setbacks
 If road is open to the public should be setbacks
 Limits should be based on safety - i.e. fires trucks need to be able to get around
 setbacks on private roads should not be for aesthetics
 Setbacks don't seem to be an issue generally
 Should have the flexibility

**Look at it in this process and bring it over? Or holistic should not apply on internal roads as long as safety and fire are met
 proximity to other development**

8. Does there need to be more flexibility in the subdivision road standards? In which situations?

Initial Responses

Match road standards to area and purpose of subdivision
 Smaller roads for remote areas
 Urban road shouldn't be built at end of land management road
 Steeper slopes should be allowed were already roads with those slopes and seasonal access only
 Grass roads may be okay with low volume roads, remote access
 Greater slope for certain sustained slope- 200 feet okay
 Allow to follow contour
 Still need to have stability and stormwater bmps
 More flexibility and access to the subdivision
 concern that new developers may not have necessary layout experience, and it would be useful to have agency benchmarks
 Yes more flexibility
 Should vary by the nature of the location
 Should be able to exceed slopes in certain situations
 Requirements for Erosion and drainage infrastructure does not seem to match the site or the level of development

Additional Discussion and Comments

yes
ski areas (still safe access)
options for really low use
structures that don't make sense to get permit

9. When should shared driveways and accesses be required? Encouraged?

Initial Responses

Mostly never
 May make sense for longer driveways
 Short driveways shouldn't be shared
 Works well for small lots and clusters
 If lots get too far apart, not gaining
 Encourage everywhere, but not require
 Where needed to minimize phosphorus control
 Sensitive lakes with more development
 Never
 sometimes it can be an efficient use of land, protect resources like wetlands, steep slopes
 minimizes entrances to public roads
 Make them an option
 Shared driveways causes problems between lot owners

Additional Discussion and Comments

mostly never
different for long than short
phosphorous control

10. Are there other standards for the layout and design of subdivisions that need to be reviewed?

Initial Responses

Need for back lots in subdivision?
 Make sure design allows for expansion in the future or expanding access
 Give some choices to have developers of subdivision provide for community resources where needed
 Don't focus onsite look for community options offsite to share
 Allow for master plan on smaller properties
 Why is building envelop needed if setbacks are already required
 10% slope on roads
 Look at stds we have now and consider what is necessary and what is not

Additional Discussion and Comments

Based in part on access needed for emergency vehicles?

Review process that is more like what takes place in municipalities (staff)

Have a larger area of the jurisdiction that does not require re-zoning -
defined area where it is easy and straight forward

Standards could be flexible in locations

Should consider the marketplace

Would like to see 20% of the jurisdiction available for

Flexibility

Part IIIA Cluster Development

1. What are the positive and negative aspects of clustering? Are they different based on the setting or situation?	
<p style="text-align: center;">Initial Responses</p> <p>Positive - less infra, less resource alteration, provides flexibility for design and placement Neg - may not fit desires, defeats big lot develop, etc. loss of privacy Setting matters - proximity to traditionally developed areas may be more appropriate Not sure definition allows for pre-commission patterns of develop-historical pattern; forcing open space Contrast to remote locations Required on lakes of high value Clustering may allow for more to enjoy resource May allow for more appropriate location;</p>	<p style="text-align: center;">Additional Discussion and Comments</p>
2. In what situations should clustering be allowed?	
<p style="text-align: center;">Initial Responses</p> <p>Anywhere developer feels it is to their advantage Reduce cost of infrastructure Allows to protect and market certain resources</p>	<p style="text-align: center;">Additional Discussion and Comments</p>

3. And in what situations should clustering be required?

Initial Responses

Comment that May want to require depending on where it is located and depending on the form of clustering
Around 4 & 5 lakes - require unless performance std can be met
Scale - does it matter
Requirement to reflect compatibility with surrounding development
Theme - discretion creates uncertainty and time issues
discretionary and may not be much demand for the type of development that requires cluster
Consideration of why there have not been many cluster SDs - incentives may not be there for
Infrastructure savings may not be there
Wells and septic can be a barrier to clustering or may require additional infrastructure to deal with that.
Better way to protect heavily developed lakes - depends on the specifics of the site - slopes, soils, wetlands, etc.
Other ways to get at the underlying purposes - additional requirements for class 4&5 such as larger lots but then

Additional Discussion and Comments

4. Are there things about the technical requirements for clustering that should be revised? If so, how should they be changed?

Initial Responses

50% seems like a lot for set aside. Towns have lesser amounts and often allow
count undeveloped land toward net

Additional Discussion and Comments

5. Are there any other things about the rules relating to cluster development that need to be revised?

Initial Responses

market analysis

Does clustering accomplish goals?

blanket rule may not be appropriate, site by site basis

limiting clearing, reducing infrastructure, community feel, do current provisions incentivize pre-commission types of development

Additional Discussion and Comments

Part IIIB Open Space

1. In what situations should a subdivision be allowed to set aside area as open space?	
<p style="text-align: center;">Initial Responses</p> <p>Allowed anytime- all Encourage with incentives- get an extra lot, reduced density etc. Also include reduce lot size as an incentive</p>	<p style="text-align: center;">Additional Discussion and Comments</p>
2. When should a subdivision be required to include open space?	
<p style="text-align: center;">Initial Responses</p> <p>Mostly never, option only Should not be required for very small subdivision</p> <p>Higher developed area, growth areas Plan for buffer, open space onsite, don't depend on others' property Lakes currently having this requirement- Class 4 and 5 Option for mitigation of potential impacts Should later developers have to cover needs for open space not addressed by first in the door 5-10 lot subdivision normal growth, open space not necessary 100 lot subdivision, stress on community resources, should have open space When open space is becoming a limiting factor When community resources are stressed Not where there is already conservation areas protected in the area Factors for when open space is required should be considered</p>	<p style="text-align: center;">Additional Discussion and Comments</p> <p>Small properties don't have holder options for open space Managing this property is difficult (small parcels) Small properties have less value overall than a larger properties</p>

Also should consider if there is undevelopable land in the area
 Consider need for how much open space needed based on density factor
 Where developer is choosing to increase density of the development (i.e. choosing to cluster)
 Depends on purpose of open space - need to consider
 Land owner pattern also an important consideration- single owner or multiple owners
 No open space near by

3. Should paying an in-lieu-of fee rather than setting aside actual open space be an option? If so, under what circumstances?

Initial Responses

Allow off-site open space using a conservation organization, but not through a bank
 Giving a conservation land trust money as an alternative
 Use money to contribute to other community resource- i.e. boat landing
 Need to be land related or public use related
 May not be appropriate for some places like heavily developed resources

Additional Discussion and Comments

4. If a subdivider can pay a fee, what mechanism is appropriate for this?

Initial Responses

Conveying money to a local land trust- no bank or state in lieu fee program

Additional Discussion and Comments

5. Are there any other things about the rules relating to open space that need to be revised?

Initial Responses

Additional Discussion and Comments

Should a single land owner be allowed to keep the open space with deed covenants

Keep other category for holder

If land owner has deed covenants need third party enforcement?

If covenants incorporated into subdivision approval, would need approval to change the covenants

Is owner option solid enough to use this option all the time, or should it be case by case?

Common ownership without a lot owners association?