



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB

COMMISSIONER

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GOVERNOR

# Memorandum

**To:** Commissioners  
**From:** Samantha Horn Olsen, Planning Manager  
Stacie Beyer, Senior Planner  
Eric Larsson, Senior Planner  
**Date:** September 25, 2015  
**Re:** Subdivision Rule Review, Policy Issues Materials

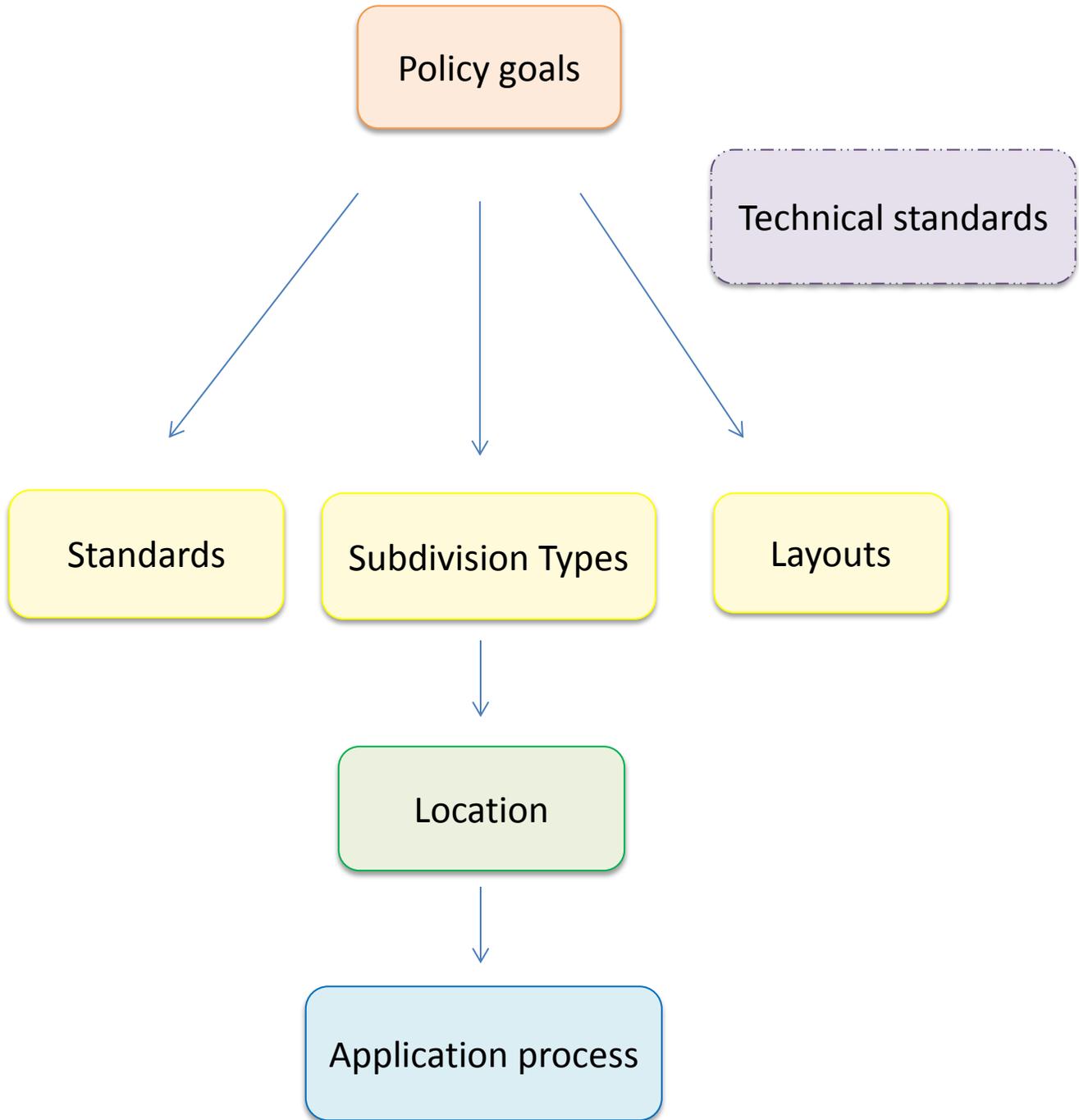
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The Commission is currently evaluating and rewriting its subdivisions standards. The framework for working through the issues is illustrated in the figure on page 2. At the August Commission meeting, staff reviewed the progress to date and proposed that we complete work on our “toolbox” of subdivision *types*, possible *standards*, and possible *layouts* and then seek further stakeholder input. Staff also proposed that at the October meeting, the Commission take public comment about progress to date. The Commission directed staff to continue work on the project as proposed and to establish a comment opportunity. Staff completed the proposed research, prepared reports for the Commission’s review, and outlined a proposal for how to move forward. The public has also been invited to speak at the October meeting.

Realtors, Design professionals, and the MLS organization have generously provided time and data to staff, and the reports that are attached to this memo are a compilation and analysis of that information. The layout and design report also proposes a set of objectives to guide subdivision design, and a menu of strategies that could be used in creating regulations for different types of subdivisions in a variety of settings. The next step is to take this information back to stakeholders and ground-truth whether the objectives and strategies that are included are realistic, effective and efficient. After we make adjustments to these products, they will form the basis for a discussion about *location* (as indicated in the figure on page 2). Select items from the more detailed list of possible rule revisions may also be included in the stakeholder consultation meetings, although the majority of these items will be better addressed after the bigger-picture policy decisions are clearer. The proposed schedule can be found on page 3.

18 ELKINS LANE, HARLOW BUILDING

# Proposed Subdivision Rulemaking Process



**Proposed schedule:** The schedule assumes that we will be able to meet as necessary during the winter months. It will be important to take into account winter weather as we move forward in scheduling any in-person meetings:

**October and November:** stakeholder focus groups to review and suggest revisions and additions to the attached reports.

**December:** present the results to the Commission and propose a format for the *location* and *application process* discussions.

**January and February:** Hold discussions about *location* and the *application process* and continue reporting to the Commission.

**March:** Staff propose draft rule revisions to the Commission – the Commission may direct modifications or move them forward to formal comment or hearing.

Attachments:

Research on Market Conditions  
Subdivision Layout and Design Options  
Subdivision Layout and Design Objectives

## LUPC Subdivision Rule Review: Research on Market Conditions September, 2015

### I. Introduction and Scope

One component of the review and possible revision of the LUPC's current rules regulating subdivision is an evaluation of whether current rules allow for the creation of new lots that are appropriate for the Unorganized Territory in size, number and location, and whether the rules might be modified to better fit the needs of the jurisdiction. As part of this evaluation staff has conducted some basic research into the market for undeveloped land to identify, where possible, any characteristics of marketable lots including their size, and location as well as other features. To the extent possible, the research will also look at the demographics of buyers, and investigate whether there is unmet demand for particular types of lots.

The research and analysis are both quantitative and qualitative and includes the following elements:

- a. Analysis of existing parcels in the Unorganized Territory (UT)<sup>1</sup>
- b. Comparison between existing parcels in the UT and comparable areas of the Organized Territory (OT)
- c. Interviews with real estate brokers to identify buyer types and preferences
- d. Summary and basic analysis of UT land sales and comparable areas in the OT

### II. Existing regulations

The LUPC effectively regulates subdivision as a use, and subdivision is not permitted in the M-GN, the predominant zone in the UT, except in 42 minor civil divisions specifically identified in Chapter 10.25,Q,2, which allows Level 2 subdivisions of five or fewer lots, and subdivisions of up to 15 lots that meet the cluster development standards. In addition, any landowner may create two lots every five years from an existing parcel provided the lots meet all other land use standards.

Appendix A shows a map of subdivisions approved by LURC and the LUPC from 1971 to the present.

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<sup>1</sup> In this report UT is used to describe all plantations, townships and towns under the jurisdiction of the LUPC

### III. Existing parcel distribution

Before analyzing market or sales data it is worth looking at the existing parcel distribution in the UT. The parcel data were taken from a GIS database, for which the LUPC collects updates from Maine Revenue Service and the towns and plantations on an ongoing basis. The MRS updates in one minor civil division (MCD) are completed before proceeding to the next, and in some MCDs these data are several years behind and do not reflect all currently approved parcels. The data for the towns and plantations may also be several years behind, depending on the MCD. Because there is not a simple and accurate way to separate undeveloped from developed parcels, the data include both. Table 1 summarizes the GIS parcel data.

*Table 1 – summary of parcels in the UT<sup>2</sup>*

	<u>Parcel size - acres</u>
Median	303
Mean	2.11
Minimum	0.0005
Maximum	33,355
Sum	9,967,094
Count	32,866

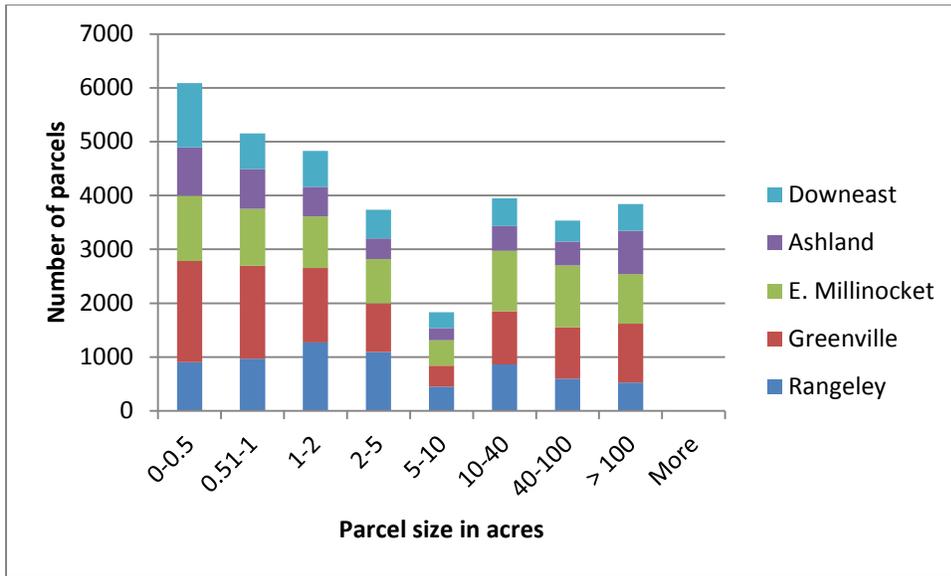
The distribution shows a large number of lots under 0.91 acres (40,000 sf). These may be pre-Commission lots as they do not meet the current minimum lot size for dwellings. There are relatively few lots between 5 and 10 acres. This distribution appears fairly consistent across LUPC administrative regions. Although lots greater than 5000 acres are relatively few in number they represent a significant percentage of the total UT land area.

The parcel distribution is fairly similar across the LUPC administrative regions. Figure 1 compares parcel sizes across these regions.

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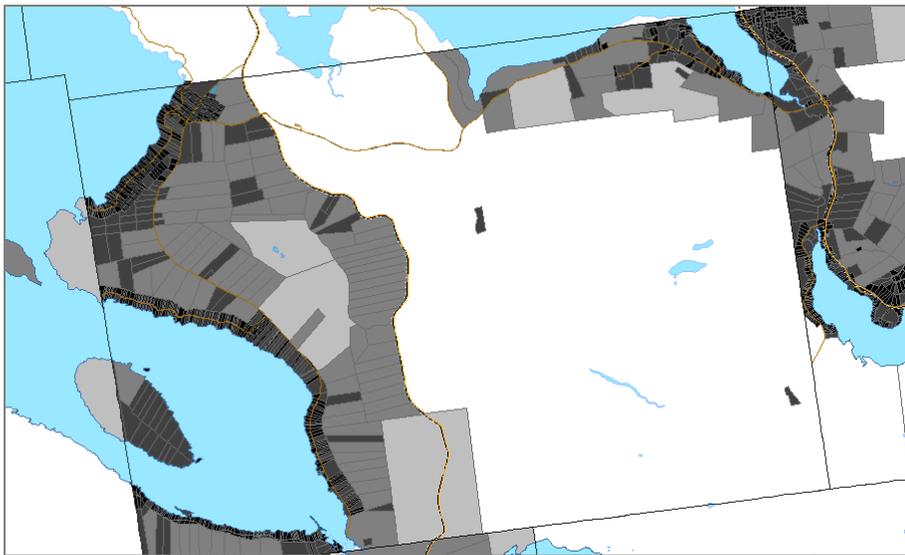
<sup>2</sup> In this report UT is used to describe all plantations, townships and towns under the jurisdiction of the LUPC

Figure 1 – parcel distribution by LUPC administrative region



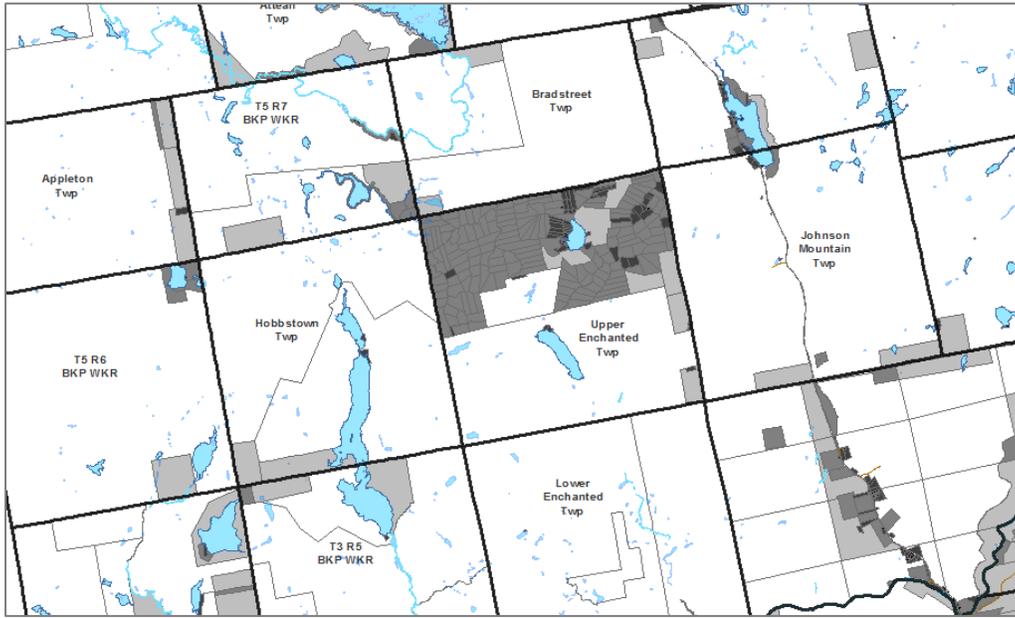
Within these general statistics is significant variation in parcelization across the jurisdiction. Waterfront along high value lakes is often highly parcelized, while interior lots remain undivided. Figure 2 provides an example.

Figure 2 – Parcelization in Rangeley Plantation.



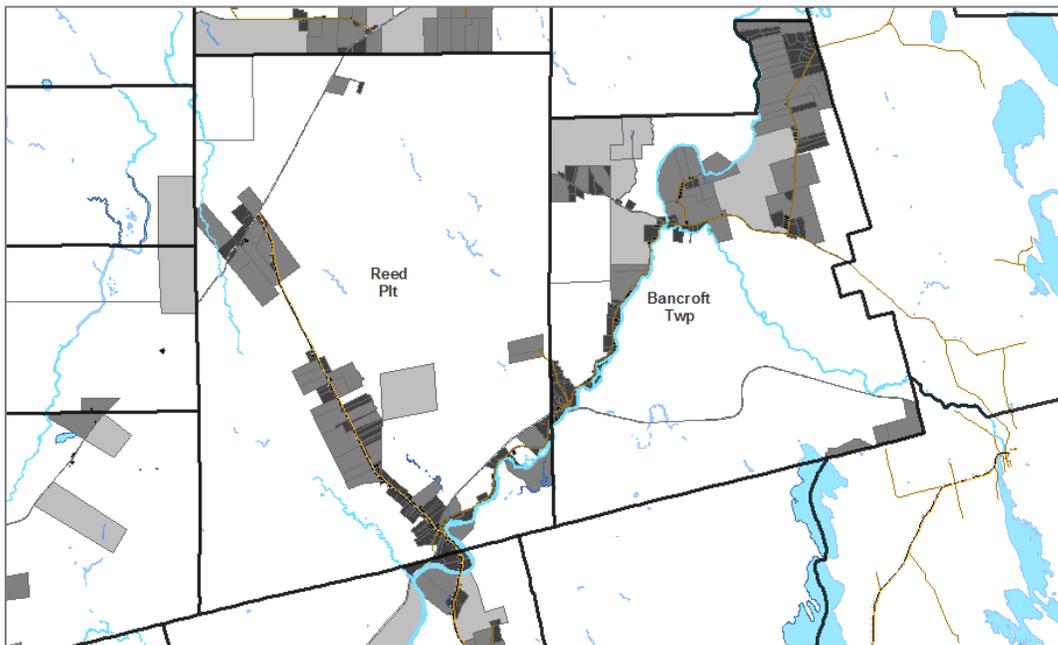
While some townships remain in a few very large parcels, the regulatory scheme may influence the distribution of parcels like that of Upper Enchanted Township, which shows evidence of land divisions resulting from the 40 acres exemption. Figure 3 compares the parcelization in Upper Enchanted Township with that of adjoining MCDs.

Figure 3 – Parcelization in Upper Enchanted Township and adjoining MCDs



However, regulatory differences do not necessarily lead to differences in parcelization, which may also be influenced by geography, ownership objectives, market factors, natural resources, road systems and other infrastructure. Figure 4 compares Reed Plantation, and Bancroft, which show similar parcel patterns despite the fact that Bancroft was historically an organized town.

Figure 4 – Parcelization in Reed Plantation and Bancroft



#### IV. Broker interviews

Staff interviewed 13 real estate brokers who were selected based on their experience in brokering land sales in the UT. The interviews covered the questions found in Appendix C of this report. The realtors served areas from the Western Mountains to Northern Aroostook County, with offices in Rangeley, Kingfield, Farmington, Rockwood, Greenville, Bangor, Lincoln, Houlton, and Portage. While staff did not interview any realtors from in Oxford, Hancock or Washington counties, realtors based in adjoining counties operated over large regions that overlapped these areas. For example, realtors in Bangor, Lincoln and Houlton all reported representing parties in land transactions in Washington County.

The interviews suggested both similarities and differences across the LUPC jurisdiction:

- ◇ In the Western mountains most brokers saw market for land as very weak. They attributed this to a large supply of developed parcels that were better priced than raw land, particularly when accounting for the cost of construction. A similar view was shared by brokers in the Moosehead Lake region. By contrast, brokers serving Penobscot and Aroostook counties saw the land market as strong and remaining so, with demand for undeveloped parcels of at least 20-40 acres priced between \$400 and \$700 per acre.
- ◇ Most buyers of land are seeking a base for seasonal recreation, some with a view towards retirement while limited employment opportunities and the cost of building new compared with buying an existing home are likely to keep the year- round buyers out of the land market. One possible exception is some buyers considering small scale agriculture in Aroostook County.
- ◇ Brokers reported a mix of in-state and out-of-state buyers, with most out-of-state buyers coming from Massachusetts north of Boston. One broker in Aroostook County felt that the UT land was attractive to a much broader market and pointed to several sales to international buyers as evidence.
- ◇ Privacy was consistently identified as an important feature for land buyers. What constitutes private, however, appears to vary across the jurisdiction. Around Rangeley and the western mountains, a two acre lot that was screened from neighboring properties might be considered sufficiently private. Brokers described this as the “pee off the porch” test. In Penobscot and Aroostook counties, brokers reported that buyers sought parcels that would allow hunting or the operation of a snowmobile or ATV without disturbing neighboring property owners, usually a minimum of 20 acres. Brokers described this as the “shoot off the porch test.”

- ◇ Related to buyers’ desire for privacy was another common observation from brokers: that design could have a significant effect on marketability of lots. Brokers reported that buyers wanted their property to look and feel like Maine.
- ◇ Buyers in the West generally considered year round access, good telecommunications and internet, and power as important features. Farther North and East a larger proportion of buyers were interested in, or would consider, property without this type of infrastructure. Brokers in Penobscot and Aroostook counties reported that the decreasing cost of solar and improved wireless communications coverage would continue to expand the market for parcels that are off the grid.

## V. Sales data

The Maine Real Estate Information System (MERIS) provided the LUPC with approximately two years of data from the Multiple Listing Service (MLS) for sales of land in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Hancock, Washington and Aroostook counties.<sup>3</sup> These data show a total of 2,437 undeveloped parcels sold, 217 of which were in the UT. For comparison, data from the Maine Revenue Service (MRS) show 224 useable land sales<sup>4</sup> in the UT over the same period.<sup>5</sup>

While the absolute number of land sales in the UT are small when compared to land sales in the OT, they appear relatively strong when compared to UT land sales recorded in the MLS in the three years before the 2008 recession shown in Table 2.

*Table 2 – Annual UT land sales*

<u>Year</u>	<u>Number of land sales</u>
2005	66
2006	48
2007	44
2013	77
2014	82

One limitation of both the MLS and MRS data is that they do not reflect demand for leased lots. Under LUPC regulations, the creation of more than 2 leased lots in 5 years also requires subdivision approval.<sup>6</sup>

<sup>3</sup> The MLS data covered closings between January 1, 2013 and August 19, 2015.

<sup>4</sup> Useable sales are those determined to be arm’s-length transactions suitable for assessment purposes.

<sup>5</sup> The total number of land transactions, including gifts, trust distributions, foreclosures, etc... was 714.

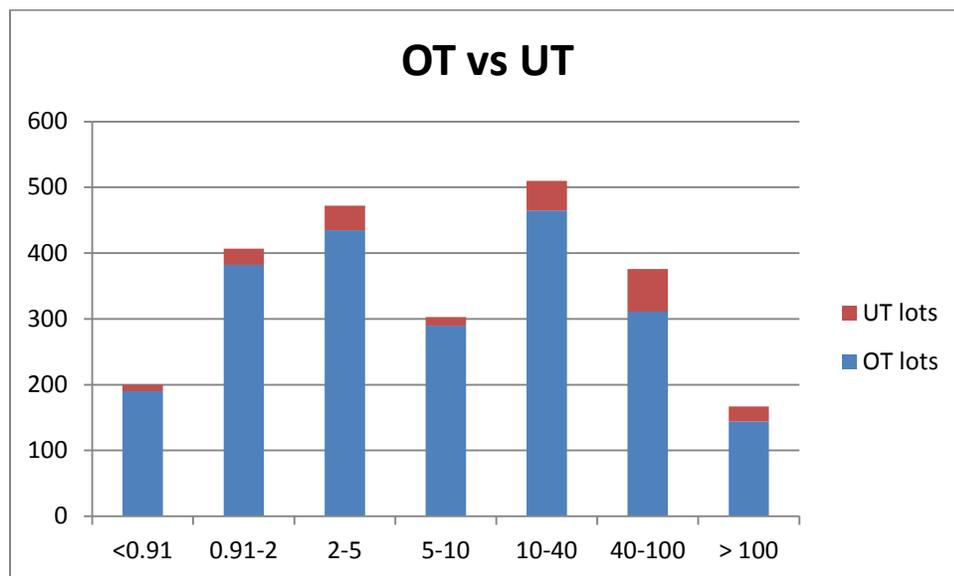
<sup>6</sup> For example, Prentiss & Carlisle, a large landowner and manager, reports that their inventory includes 300 lots under current annual leases, and strong demand for additional leases.

In order to compare UT land sales, which are almost always in rural locations, to similar types of land sales in the OT, analyses were limited to data which eliminated lot sales in State Planning Office service centers, urban compact areas, and census designated places (based on 2010 census data). This reduces the total number of lots sold to 1837, with the 217 UT sales making up just under 12% of the total number, but over 23% of the total land area sold, with mean and median lot sizes approximately twice as large as those in the OT. Table 3 summarizes the 2013-2015 data from the MLS, while Figure 5 shows their distribution. A map showing MCDs in which land sales took place appears in Appendix B.

*Table 3 - Number of land sales reported in the MLS January 2013 – August 2015*

	<u>All lots sold</u>	<u>OT lots sold</u>	<u>UT lots sold</u>
Mean size	46.9	40.1	91.8
Median size	9.97	8.6	21
Minimum size	0	0	.15
Maximum size	9,297	3115	9,297
Total acres	86,161	66,233	19,927
Total count	1,837	1620	217

*Figure 5 - Distribution of lot sizes for land sales*



The interviews with real estate brokers suggested that there were regional differences in the types of lots that buyers preferred. While it is beyond the scope of this report to perform a detailed regional analysis, a simple comparison of land sales in the unorganized portions of Penobscot and Aroostook counties with those in the Western mountains appears to support the view of brokers that buyers in the former had a preference for larger parcels while those in the latter preferred smaller lots. Table 4 shows MLS sales for 2013-2015 with both mean and median lot size in unorganized portions of Penobscot and Aroostook counties were somewhat over 40 acres, while the median in Oxford, Franklin and Somerset counties was 6.28 acres, with several very large parcels driving up the average.

*Table 4 – Comparison of parcel sizes for UT lots sold between markets*

	<u>Penobscot and Aroostook UT</u>	<u>Oxford-Franklin- Somerset UT</u>
Mean	48.8	174
Median	41	6.28
Count	94	78

Table 5 shows the difference in the price of per acre of the MLS sales, comparing all UT and OT sales with those in the Western and North Eastern regions of the UT.

*Table 5- Comparison of sales price in dollars per acre between UT and OT*

	UT	OT	Penobscot and Aroostook UT	Oxford-Franklin- Somerset UT
Mean	\$12,130	\$15,157	\$3,729	\$18,981
Median	\$1,084	\$2,799	\$715	\$3,528
Minimum	\$267	\$75	\$267	\$418
Maximum	\$160,000	\$1,000,000	\$99,923	\$160,000
Sum	\$ 2,632,336	\$24,539,111		
Count	217	1619	94	78

Tables 7 and 8 compare sales of waterfront versus non-waterfront lots sold in the UT from 2013-2015. The total number of sales of waterfront lots was somewhat lower than the number of non-waterfront sales. Several large individual sales drove up the average size of waterfront land, but the median lot size for waterfront lots sold is significantly smaller than for non-waterfront. The median price per acre of waterfront land, shown in Table 8, is nearly five times that of non-waterfront land. Tables 9 and 10 break down waterfront sales by the type of water body.

Table 7- UT waterfront sales by lot size in acres

	Waterfront	Non-waterfront
Mean	145.7	42.9
Median	6.86	35
Minimum	0.23	0.15
Maximum	9297	431
Sum	15,007	4,935
Count	102	115

Table 8- UT waterfront sales compared to non-waterfront – price in dollars per acre

	Waterfront	Non-waterfront
Mean	\$21,125	\$4,443
Median	\$4,028	\$826
Minimum	\$308	\$267
Maximum	\$160,000	\$57,692
Sum	\$2,112,472	\$519,864
Count	115	102

Table 9- Waterfront sales- size of parcels in acres by type of water body

	Lakes and Ponds	Rivers	Streams and brooks
Mean	199.7	21.7	86.2
Median	3.1	5	44.0
Minimum	0.41	0.23	4.8
Maximum	9,297	100	471.5
Sum	12,179	239	2,585
Count	61	11	30

Table 10 - Waterfront sales – price of parcels in dollars per acre by type of water body

	Lakes and Ponds	Rivers	Streams and brooks
Mean	\$33,783	\$7,329	\$1,093
Median	\$23,561	\$2,317	\$781
Minimum	\$474	\$580	\$308
Maximum	\$60,000	\$19,000	\$7,916
Count	61	11	30

It is also important to consider the supply of available land. As of September 24, 2015, the MLS shows 303 parcels of land as actively listed in Piscataquis County, with 42 of these listings located in the UT. Between January 2013 and August 2015, the MLS reported a total of 26 parcels sold in Piscataquis County.

## **VI. Key take away points**

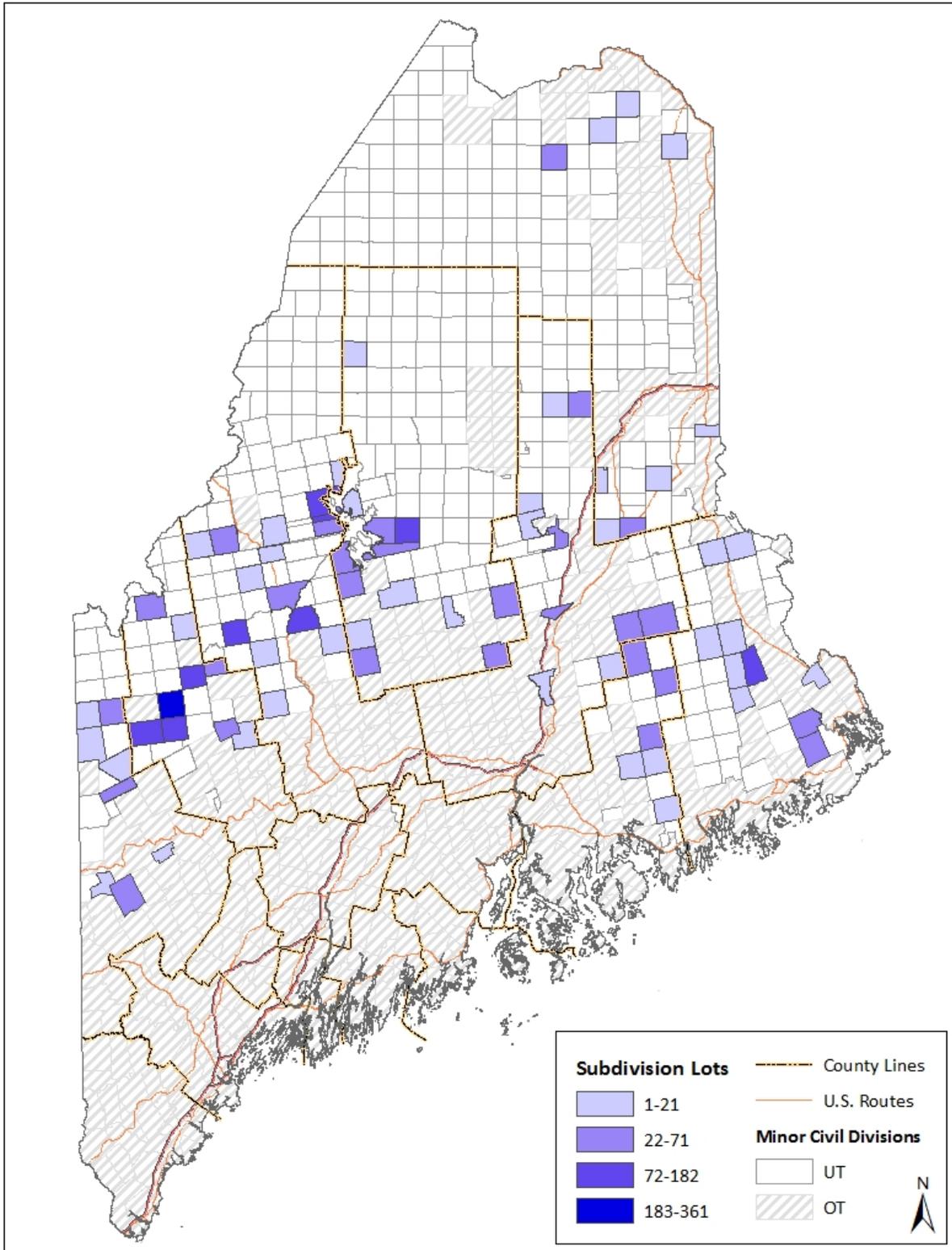
Land sales in the UT remains a relatively small market even when the overall real estate market is strong.

MLS data and broker opinion both support the view that there are regional differences in land markets across the UT generally indicating a demand for smaller parcels at higher prices in the Western Mountains, and larger parcels at lower prices per acre farther North and East.

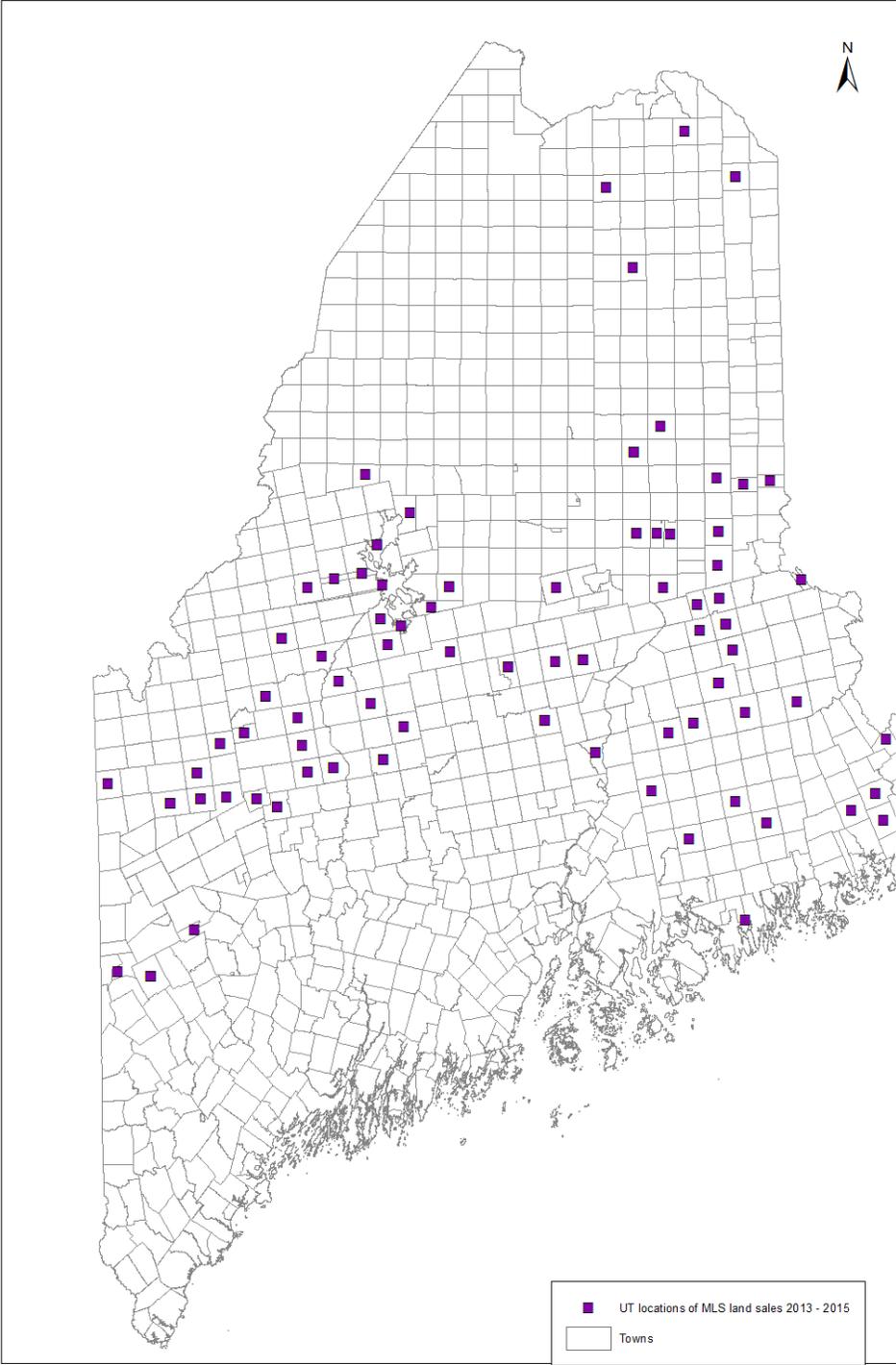
Most of the demand is for seasonal use rather than year round residence

Layout and design are important factors in the land market- especially within subdivisions.

Appendix A – LUPC approved subdivisions 1971 – Present



Appendix B – Map of UT land sales 2013-2015 from MLS



## Appendix C – Interview questions for real estate brokers

1. How would you describe the strength of the current market for undeveloped lots?
2. Does the market differ between the OT and the UT?
3. What types of buyers are in the market for undeveloped lots (e.g. seasonal, year round, retired, family, in-state, out-of-state)?
4. What types of lots are buyers looking for?
  - a. What size lots?
  - b. What locations?
  - c. What features?
5. Are you aware of unsold/undeveloped lots in subdivisions created in the past 10 years?
  - a. How long have lots gone unsold?
  - b. How long have sold lots gone undeveloped?
6. Describe the formula for subdivision success and failure?
7. What are common features of subdivisions that have built out?
8. What if any are the community effects of successful/unsuccessful subdivisions?
9. Are there particular designs or layouts that make subdivided lots more or less marketable?
10. Does deeded water access improve marketability of backlots?
11. Which is more important: water access or water views?
12. What is the effect of potential wind power development on sales?
13. How do you see the market for undeveloped lots changing in the next several years?
14. Describe the most marketable subdivision you can imagine for the UT:
  - a. What size(s) would the lots be?
  - b. What features would it have?
  - c. Where would it be located?
  - d. How would you price it?

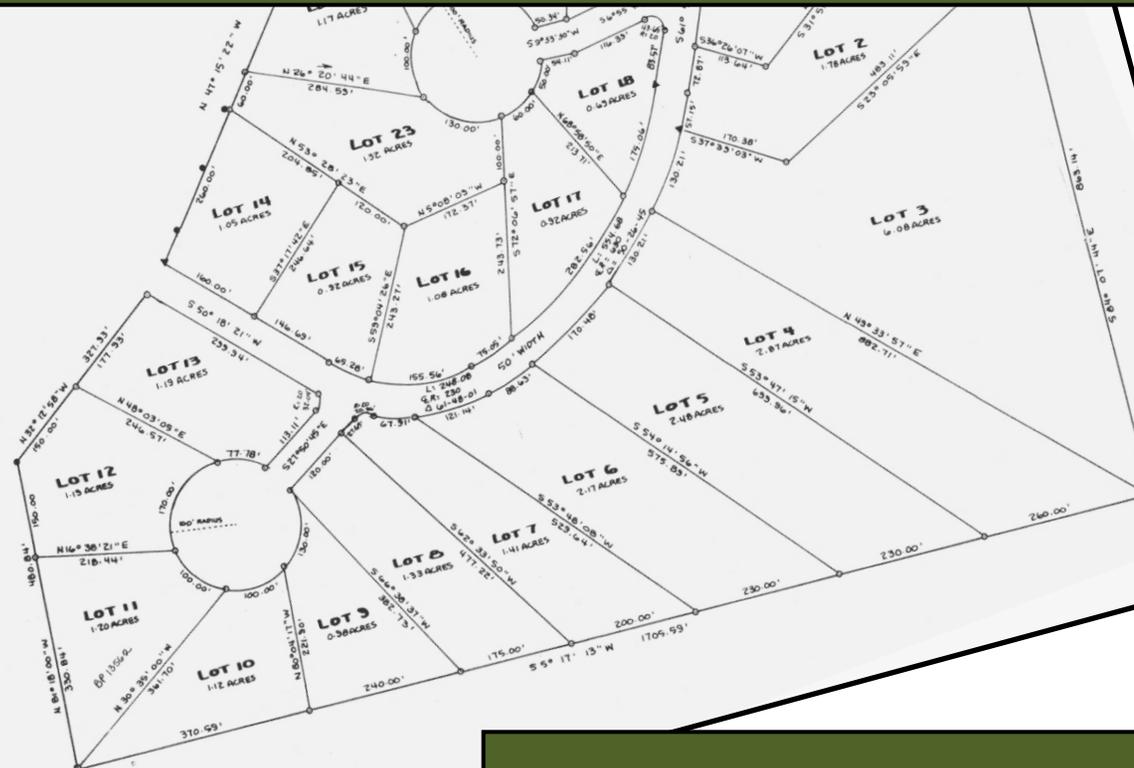
## **Acknowledgements**

The Land Use Planning Commission wishes to thank the Maine Real Estate Information System for providing Multiple Listing Service sales data, and the following realtors who generously and patiently participated in interviews: Juanita Bean-Smith, Joseph DiAngelo, Jamie Eastlack, Deb Henderson ,Glen Jackson, John Kelly, Peter McPhail, Phil McPhail, Andy Moores, Liz Munster , Ginny Nutall, Janet Peruffo, Barbara Pitcarin, and Scot Walker.

# Maine Land Use Planning Commission

## Subdivision Rule Review

### Policy Issues: Subdivision Design



September 24, 2015 Draft

# Maine Land Use Planning Commission

## Subdivision Rule Review

### Policy Issues: Subdivision Design

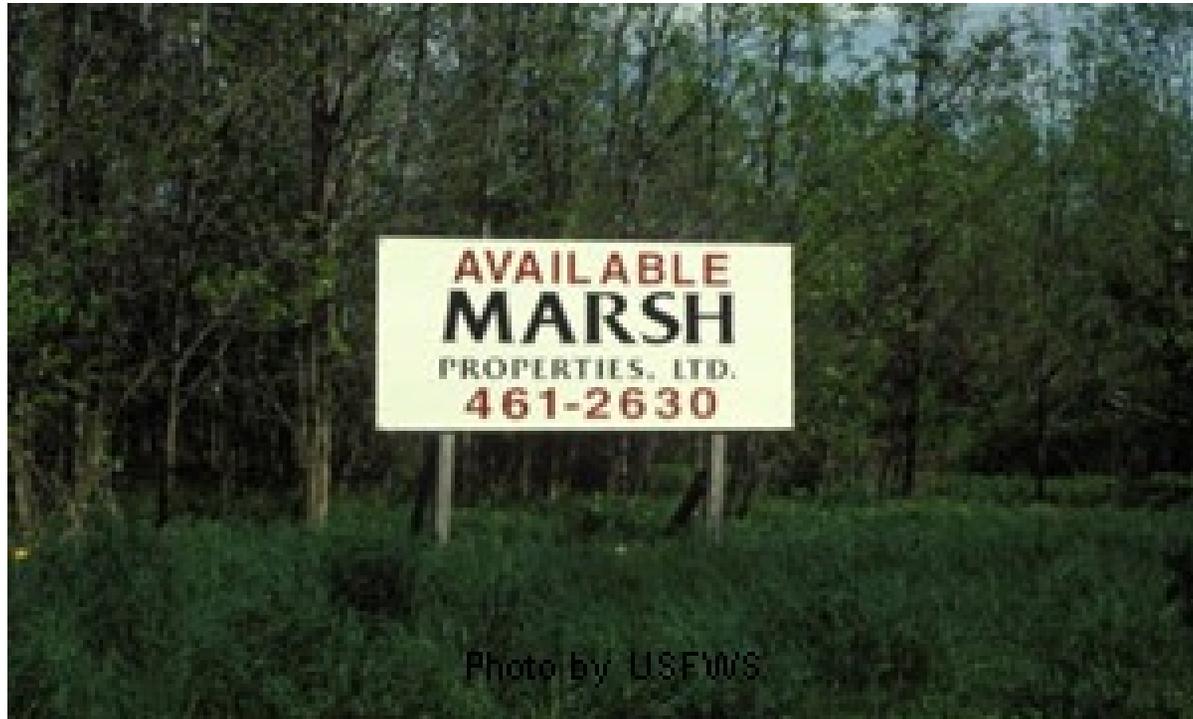
This report was developed by the Commission to serve as a reference on and comparison of design options for subdivisions. The report does not intend to convey a preference for any particular option or suggest that all options are appropriate for use in all areas of the unorganized territories of Maine (UT). Four options are presented for comparison. Where illustrations show an open space design, a conventional alternative may be appropriate in certain locations, such as where public open space with sufficient capacity is located nearby. Other design options, or variations of the options presented may be practical as well. The next steps in the process will be to consider which design options may be suitable for particular areas of the UT.

# 1. Why Regulate Subdivision Layout and Design?

*Regulations on layout and design help to ensure subdivisions are well designed to meet the needs of present and future property owners, fit harmoniously into the area and with surrounding uses, and adequately protect limited public and high value resources.*



## *A. Consumer Protection*



Good subdivision design standards ensure consumer protections including soil suitability, compatible uses, and access rights;

## B. Public Safety and Services

"Burning home shows difficulty in fighting Okanogan fires"

Source: King Television, Seattle, WA



Ensure adequate provisions for public services, such as emergency services, police, schools, waste disposal, and communication;

## C. Environmental and Cultural Resource Protection



Source: Maine DEP



Source: Stacie Beyer

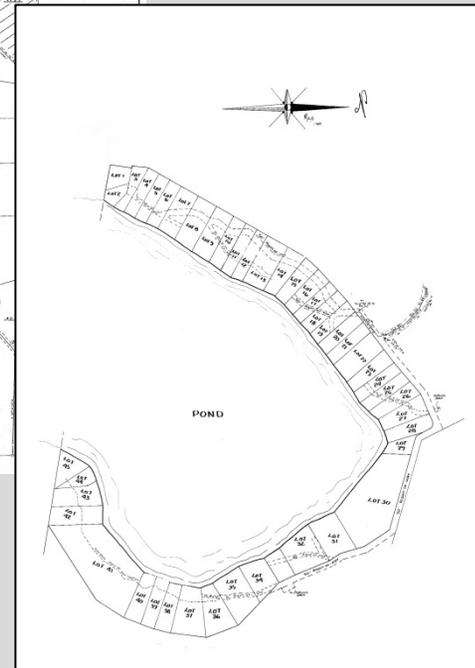
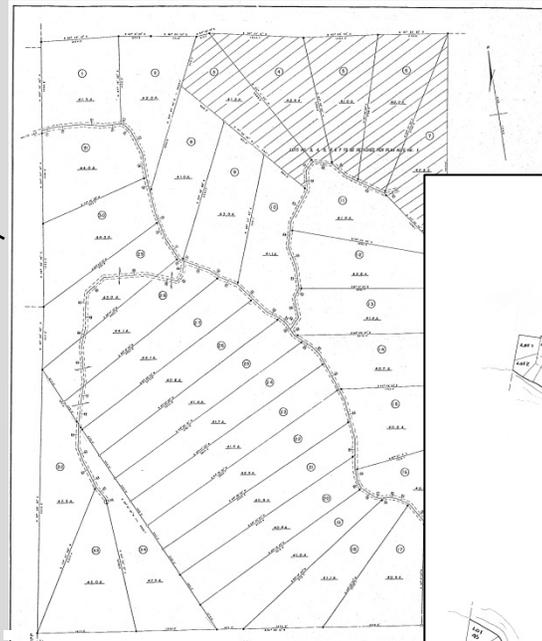


Source: MHPC

Ensure protection for wetlands and water bodies, significant wildlife habitat, prime farmland, scenic vistas, and historic and other cultural resources; and

## D. Sound Planning, Zoning and Development

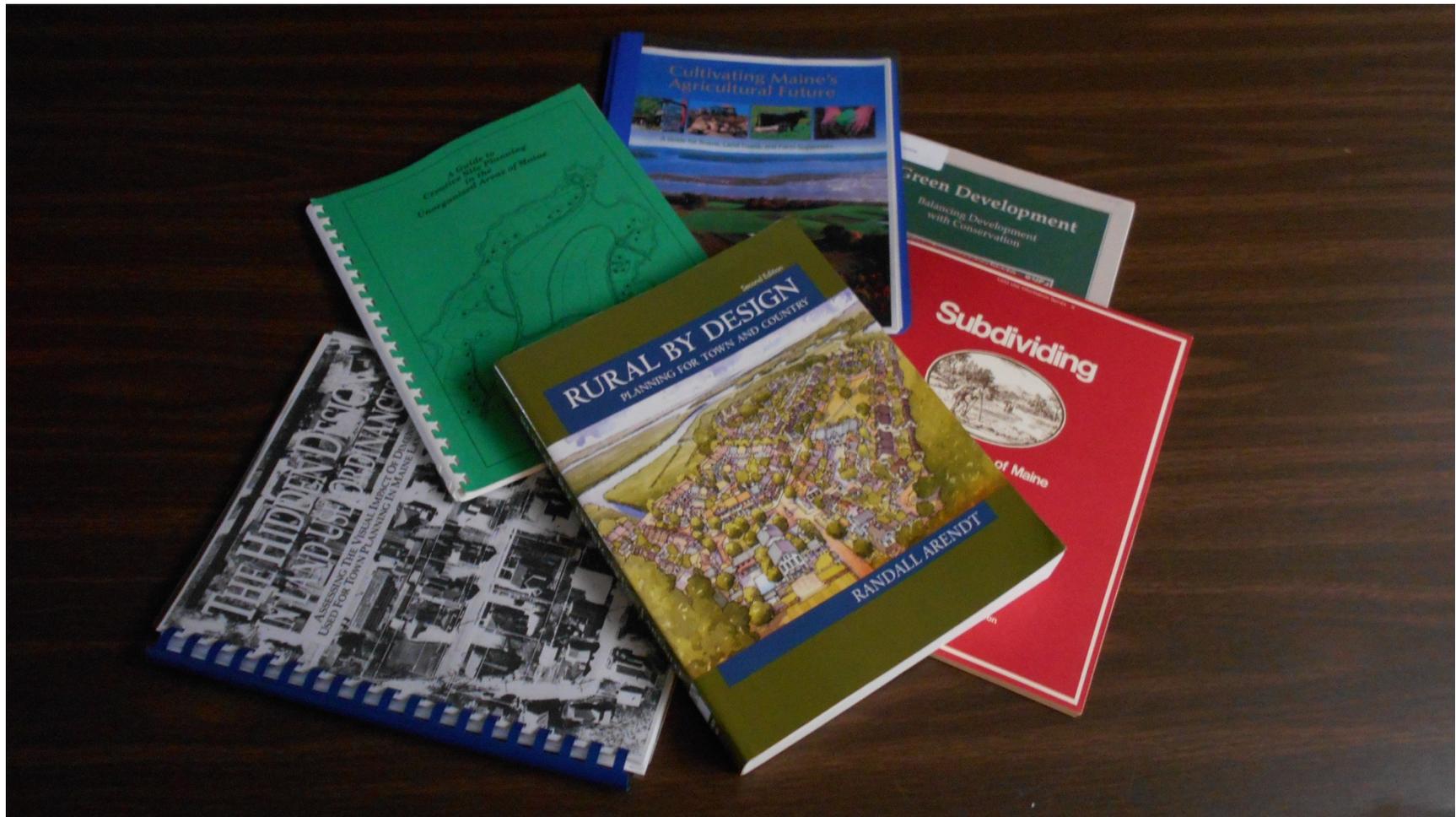
Dividing large tracts of land can remove woodlands from commercial forestry and limit public access.



Linear lot configuration could use available shoreland quickly.

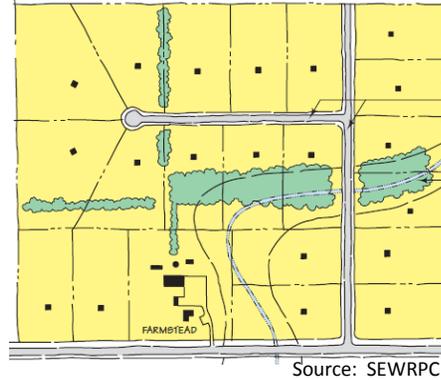
Ensure efficient use of land, public access for recreation, and continuation of Maine's natural resource based economies.

## 2. Initial Background Research on Design



# A. Conventional Subdivision Design Options

The Minnesota Department of Natural Resources defines *conventional subdivision* as “a pattern of subdivision development that permits the division of land in the standard form where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a conservation subdivision where lots are clustered and common open space is provided.”



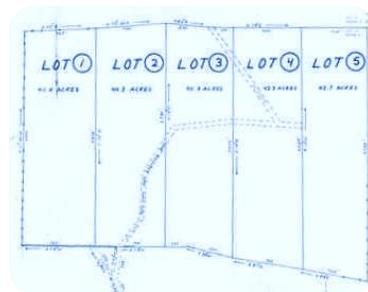
## Traditional Design

Although lots and road systems can vary in this design, it is typically thought of as having uniform lot sizes and a more grid like layout of roads with little or no open space.



## Coving Subdivision Design

Coving subdivision layouts are designed with winding streets and varied road setbacks that create a uniform arc of houses and coves of greenspaces between the houses and roads.



## Large Lot Subdivision Design

Low density development with lots typically, although not always, spread uniformly across the parent parcel.

## B. Open space Subdivision Design Options

The Kennebec Valley Council of Governments defines *open space subdivision* as “an alternative form of residential development where, instead of subdividing an entire tract into lots of conventional size, the same or a similar, number of housing units are arranged on lots of reduced dimensions, with the remaining area of the parcel permanently protected as Designated Open Space.”

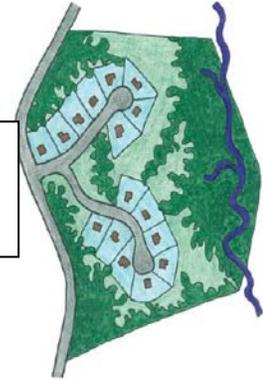


Traditional Neighborhood

Source: Terrence J. DeWan & Associates, Kent Associates and GrowSmart Maine

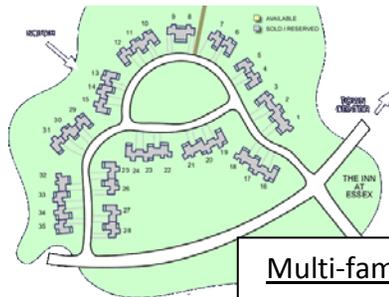
Cluster Design

Source: City of Olathe, Kansas



Conservation Design

Source: Randall Arendt



Multi-family, Condominium

Source: Terrence J. DeWan & Associates



Mobile Home Park

Source: Terrence J. DeWan & Associates

## *C. Interviews Conducted with Design Professionals*

### ***Key takeaway points:***

- Subdivision design options need to be oriented to the rural character of the unorganized territories.
- Every property is different; one-size does not fit all.
- Cookie-cutter designs are not common now; the need to work around constraints such as soils and wetlands affects layout.
- Important factors in design also include market demand and the existing character of the surrounding area.
- Varying lot sizes addresses the need for diversity in the marketplace and minimizes “left-over” open space lots.
- The site inventory process should be completed for all subdivisions, but the level of intensity could vary based on the number and size of lots.

### 3. Possible UT Layout and Design Options



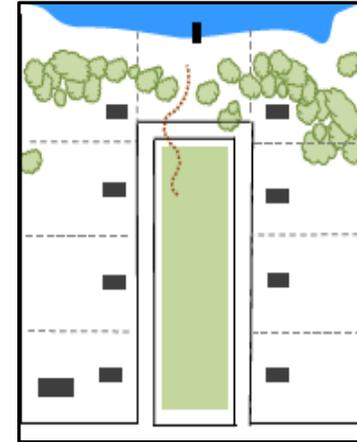
# Subdivision Design Objectives

- ⌘ Subdivision Design. Ensure well thought-out subdivision designs and quality construction that: a) is responsive to the market through consideration of consumer desires for privacy and a rural Maine setting; and b) minimizes failed subdivisions with inadequate infrastructure that burdens surrounding property owners and the community.
- Existing Character. Encourage development that harmoniously fits within the existing character of the area, recognizing the diversity of different parts of the jurisdiction and that a one-size-fits-all approach to subdivision design does not account for regional differences.
- ▲ Limited Resources. Provide for efficient use of limited land resources such as shorelines, road frontages on public access roads, and suitable soils to encourage more capacity for residential development in appropriate locations and therefore minimize expansion of development into more remote areas away from public services.
- ◆ High Value Resources. Protect the high value resources of the Commission's service area including working forests, prime agricultural land, scenic vistas, cultural features, and natural areas by ensuring for the long-term the functionality and interconnectivity of open space in the regional landscape.
- ⚙ Recreational Resources. Encourage sound use of recreational resources by ensuring existing public resources are not overburdened, and access to a variety of and interconnectivity between recreational opportunities is maintained.
- Adequate Infrastructure. Ensure the availability of adequate infrastructure that has been designed efficiently and effectively to maximize public health and safety, allow efficient provision of public services, and minimize the cost of operation and maintenance including provisions for an interconnected roadway system and sufficient capacity for wastewater disposal.

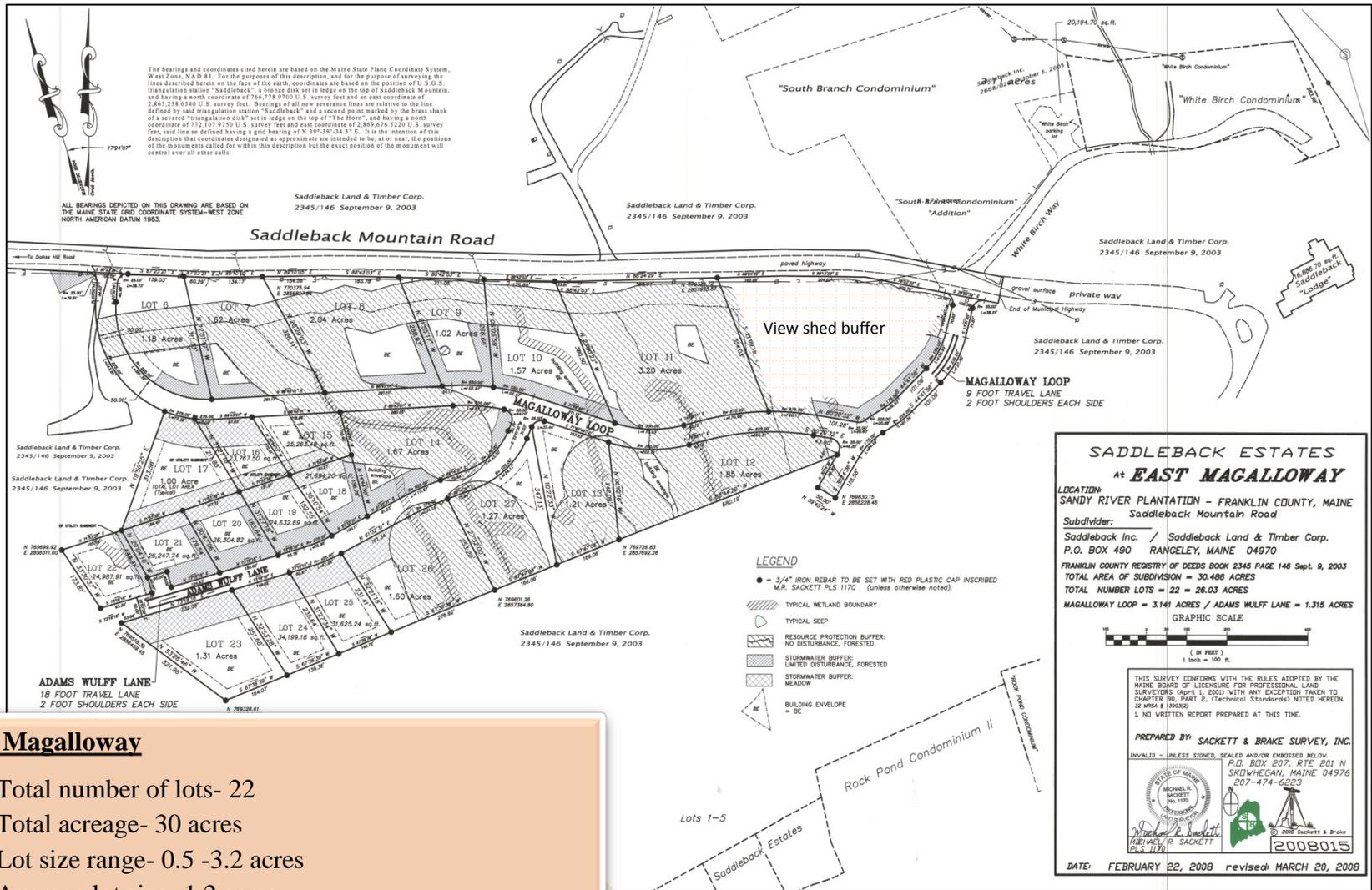


**Design Option 1:  
Rural Neighborhood Subdivision**

# Design Option 1: Rural Neighborhood Subdivision



Key Objectives	Design Considerations	Possible Benefits	Possible Concerns
<ul style="list-style-type: none"> <li>▲ Efficient use of limited resources</li> <li>⚙ Sound use of recreational resources</li> <li>● Ensure adequate infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>⌘ Compact lots with relatively high depth to width ratio</li> <li>▲ Use of a grouped arrangement of lots</li> <li>▲ Reduced minimum road frontages and road setbacks</li> <li>▲ Relatively short narrow side roads and alley ways</li> <li>⚙ Walkways and/or trails connecting open or public spaces</li> <li>⚙ A variety of useful open spaces within walking distance of all lots</li> <li>● Provision for 2 escape routes or reserve area for future road connectivity</li> </ul>	<ul style="list-style-type: none"> <li>● Encourages higher density development in areas designated as suitable for growth</li> <li>● Reduces pressure for extending development into more remote areas</li> <li>● Creates walkable interconnected neighborhoods with a sense of community</li> <li>● Allows for more efficient delivery of public services</li> </ul>	<ul style="list-style-type: none"> <li>● Adequate land area or infrastructure capacity for sewer and water</li> <li>● Sufficient buildable area to support a compact development pattern without impacting high value resources</li> <li>● Marketability</li> </ul>



**East Magalloway**

- Total number of lots- 22
- Total acreage- 30 acres
- Lot size range- 0.5 -3.2 acres
- Average lot size- 1.2 acres
- Overall density- 0.7 unit/acre
- Open space- 3.55 acre view shed retained by the developer; ski area nearby for recreational use

## Design Option 2: Rural Country Lots Subdivision

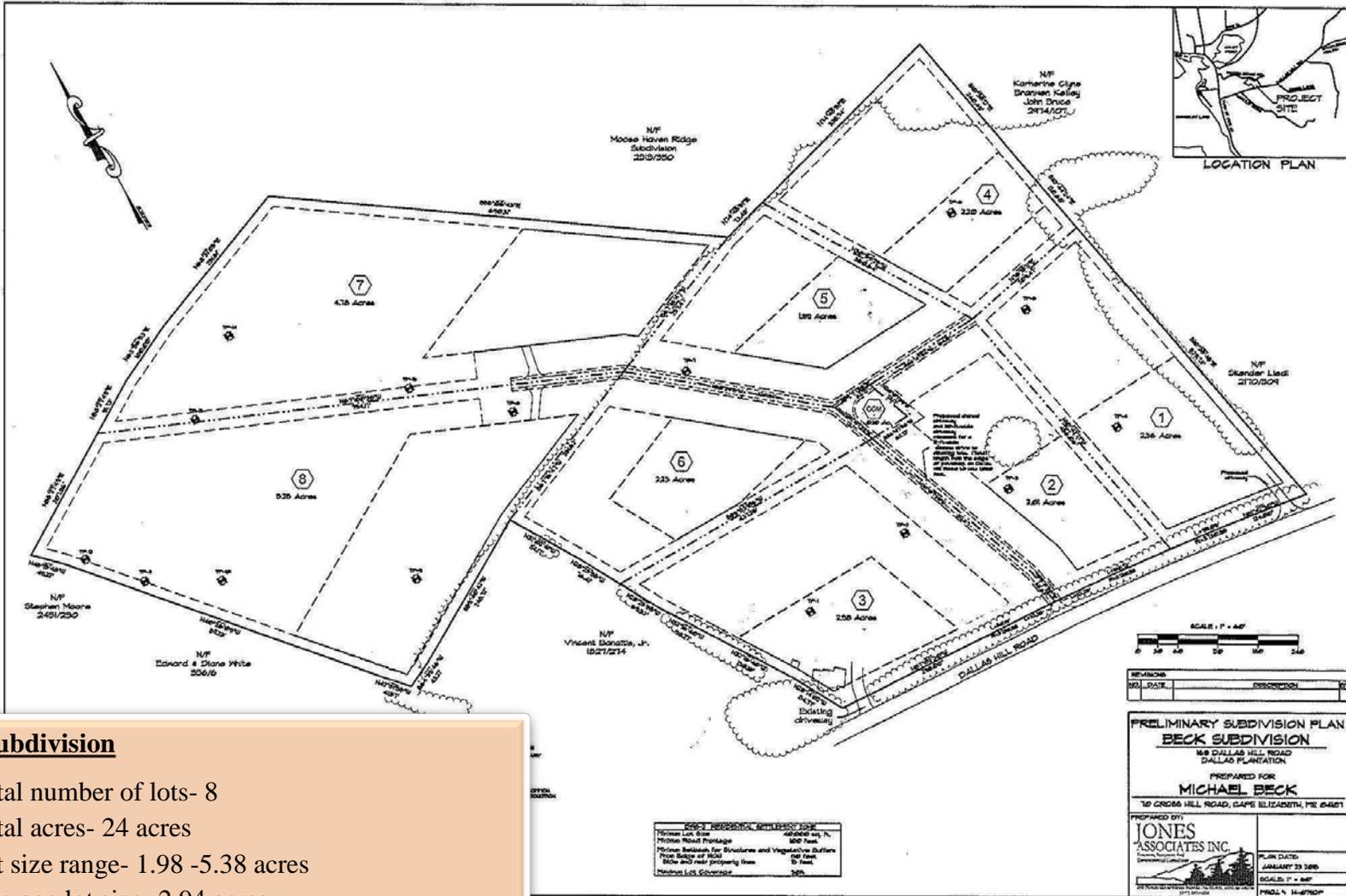


Source: Terry DeWan, TJDA

## Design Option 2: Rural Country Lots Subdivision



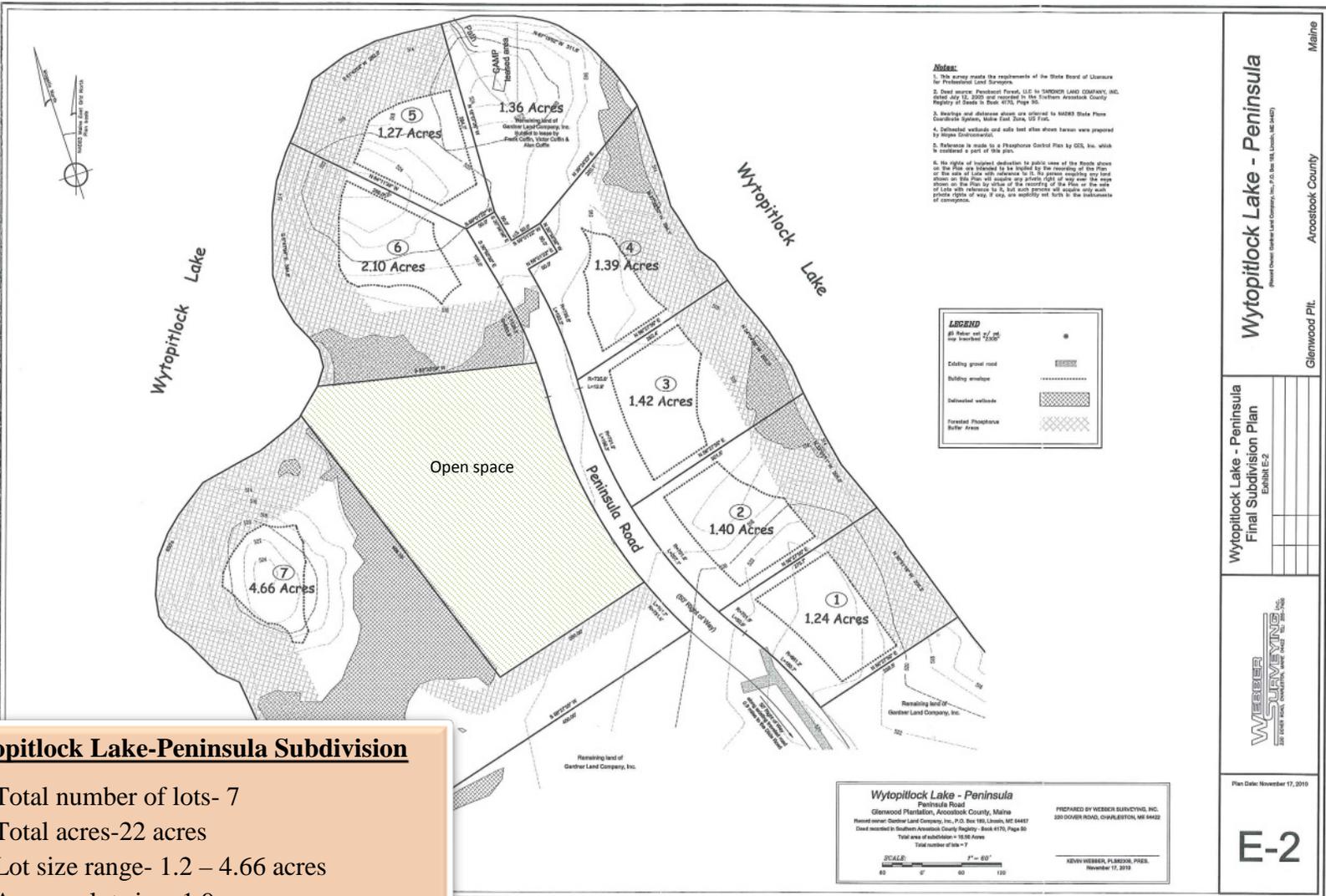
Key Objectives	Design Considerations	Possible Benefits	Possible Concerns
<ul style="list-style-type: none"> <li>■ Fit existing character</li> <li>◆ Protect high value resources</li> <li>▲ Efficient use of limited resources</li> <li>⊗ Sound use of recreational resources</li> <li>○ Ensure adequate infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>■ Small to medium sized lots</li> <li>■ Significant vegetated buffers along public roads</li> <li>◆ High value resources preserved in common areas</li> <li>◆ Open space interconnected to off-site open space</li> <li>▲ Grouped arrangement of lots <i>or</i>, where necessary,</li> <li>▲ Limited linear groups of lots with reserve area for access to future back lots</li> <li>⊗ Large, interconnected common recreational area on-site or access to a nearby public area with capacity</li> <li>○ Provision for 2 escape routes or reserve area for future road connectivity</li> </ul>	<ul style="list-style-type: none"> <li>● Ability to fit the design to the best soils</li> <li>● Adequate space for on-site sewer and water</li> <li>● Encourages a network of high quality open space providing access for long-distance recreational activities, and</li> <li>● Preserves wildlife travel corridors</li> </ul>	<ul style="list-style-type: none"> <li>● Compared to rural neighborhoods, longer roads with increased cost of road maintenance, and increased travel distances</li> <li>● Potential for fragmentation of large blocks of habitats and forests</li> <li>● Linear lot configuration could use available shoreland quickly, and not produce a variety of lot types that are available in the market</li> </ul>



**Beck Subdivision**

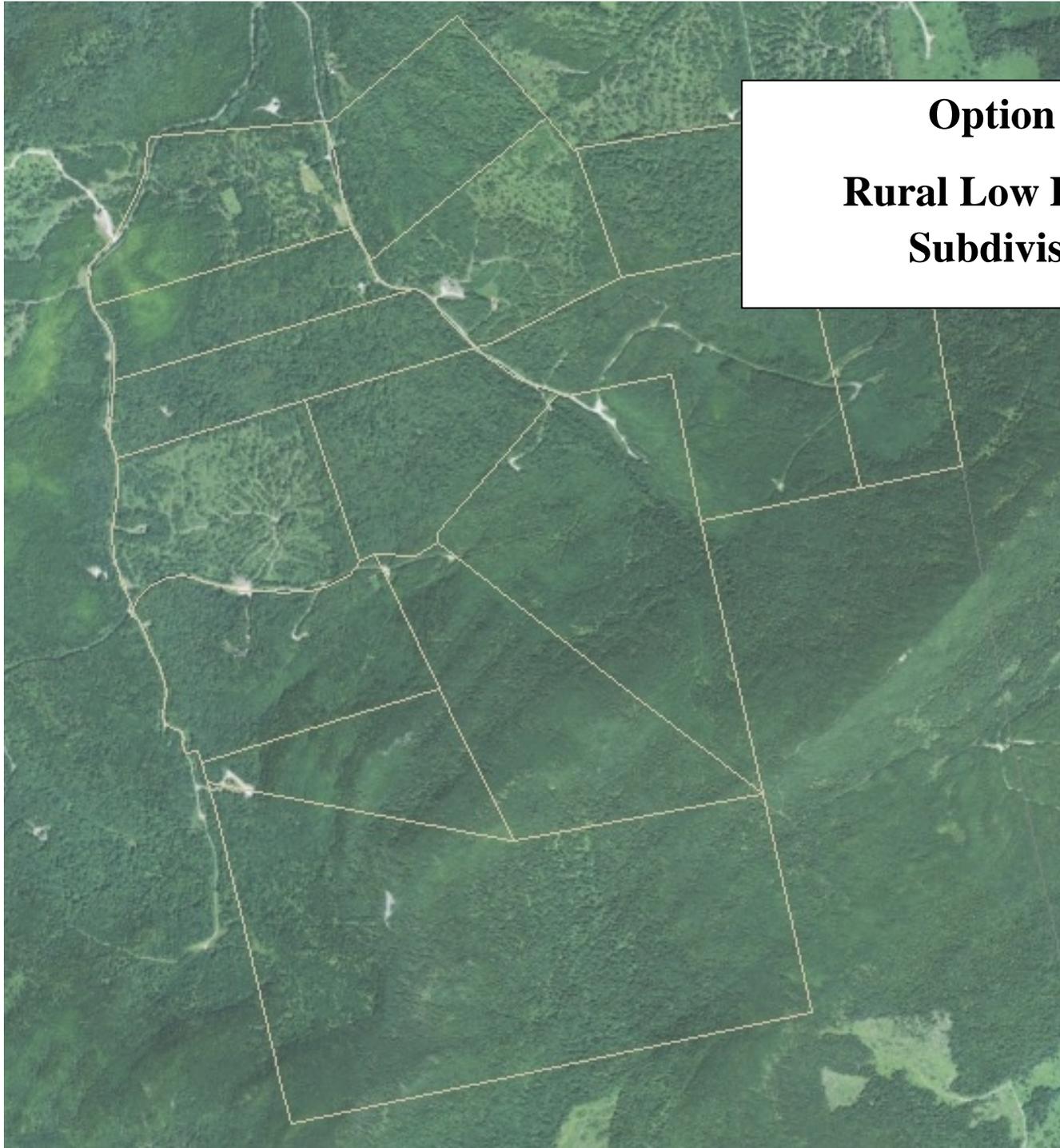
- Total number of lots- 8
- Total acres- 24 acres
- Lot size range- 1.98 -5.38 acres
- Average lot size- 2.94 acres
- Overall density- 0.3 units/acre
- Open space- None
- Proposed lot owner easement for access to on-lot blueberry fields





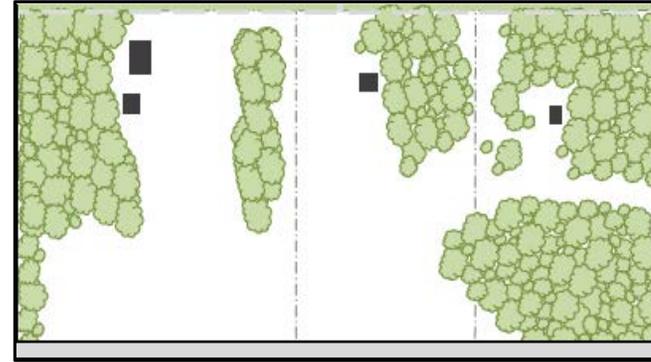
**Wytopitlock Lake-Peninsula Subdivision**

Total number of lots- 7  
 Total acres-22 acres  
 Lot size range- 1.2 – 4.66 acres  
 Average lot size- 1.9 acres  
 Overall density- 0.31 units/acre  
 Open space- 3.02 acres

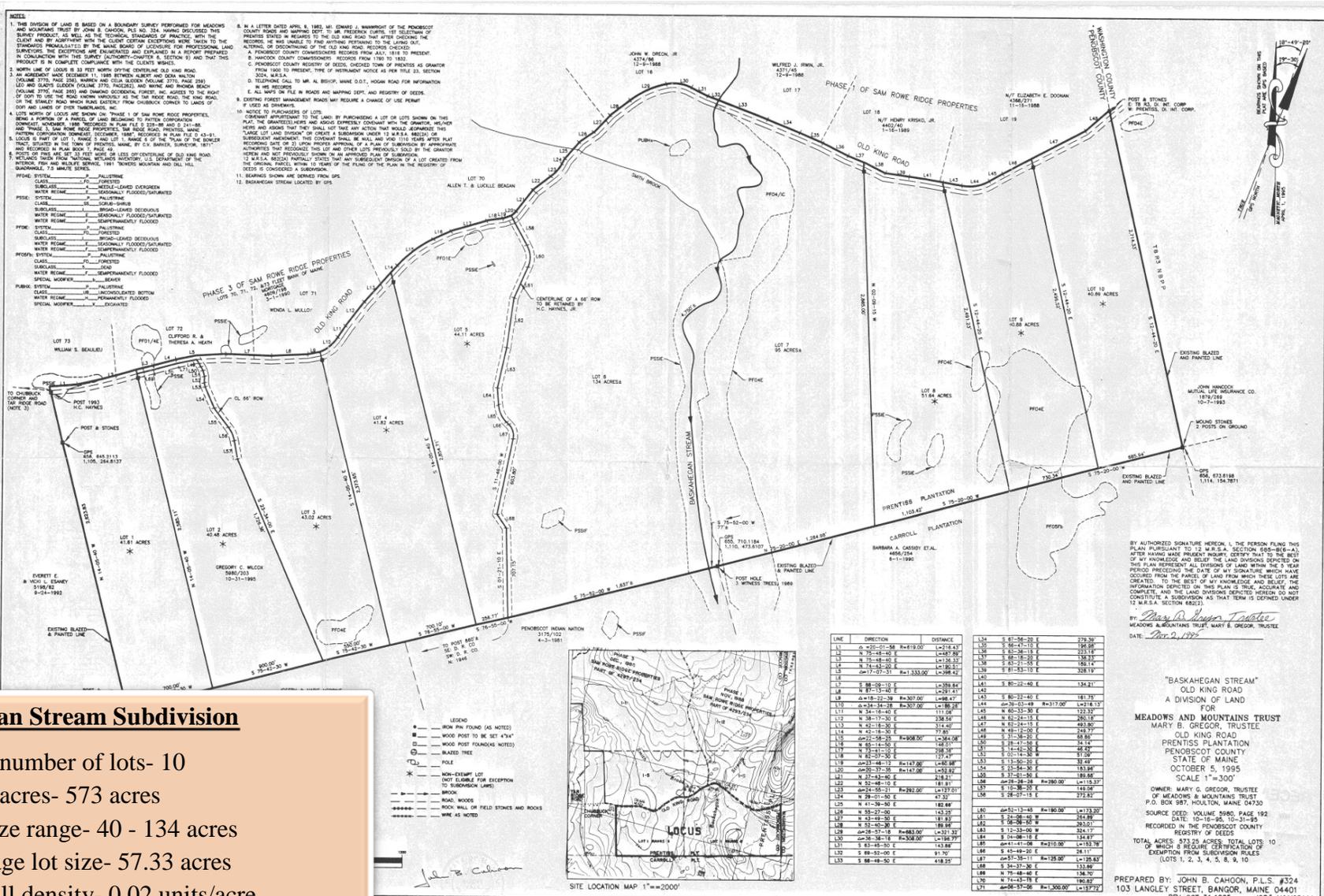


**Option 3:  
Rural Low Density  
Subdivision**

## Design Option 3: Rural Low Density Subdivision



Key Objectives	Design Considerations	Possible Benefits	Possible Concerns
<ul style="list-style-type: none"> <li>▣ Fit existing character</li> <li>◆ Protect high value resources</li> <li>⚙ Sound use of recreational resources</li> <li>○ Ensure adequate infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>⌘ Relatively large lot sizes</li> <li>▣◆ Minimum and maximum road setbacks</li> <li>◆ Lot clearing limitations</li> <li>◆ Further subdivision of lots prohibited</li> <li>⚙ A suitably located, public access easement across the parcel</li> <li>⚙ For larger lots, creation of a nearby publically accessible recreation area</li> <li>○ Provision for 2 escape routes or reserve area for future road connectivity</li> </ul>	<ul style="list-style-type: none"> <li>● If setback and clearing restrictions are required, option can preserve rural character</li> <li>● Allows large tracts for buyers interested in woodlots, farm plots, hunting camps, or similar traditional uses</li> <li>● Minimized potential for conflict between land uses</li> <li>● Marketability</li> </ul>	<ul style="list-style-type: none"> <li>● Uses land quickly</li> <li>● May take large tracts of land out of commercial forestry and agricultural production</li> <li>● Could eliminate public access for outdoor recreation and hunting</li> <li>● Some lot owners may still expect a certain level of public service such as EMS, fire, police, and communication</li> </ul>



**Baskahegan Stream Subdivision**

Total number of lots- 10  
 Total acres- 573 acres  
 Lot size range- 40 - 134 acres  
 Average lot size- 57.33 acres  
 Overall density- 0.02 units/acre  
 Open space- None

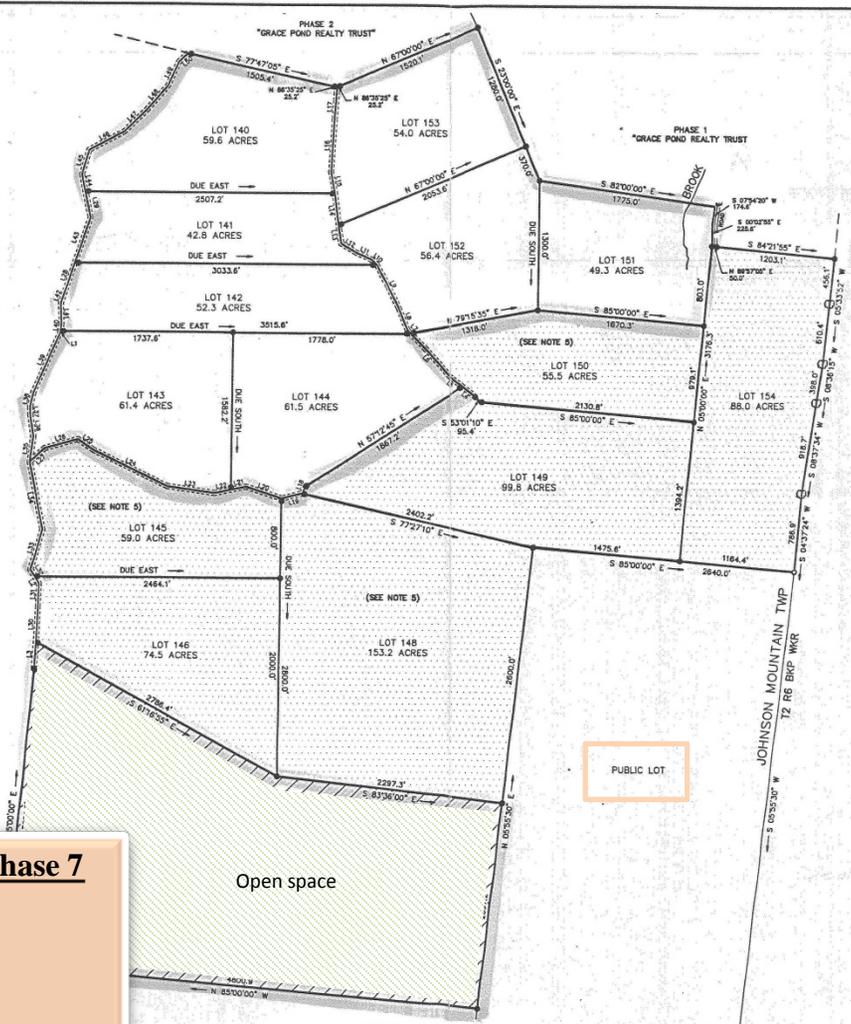
**NOTES:**

- 1) THIS SURVEY CONFORMS WITH THE CATEGORY 1, CONDITION 3 OF THE MAINE BOARD OF REGISTRATION STANDARDS FOR LAND SURVEYORS WITH THE FOLLOWING EXCEPTIONS: NO WRITTEN REPORT, NO DEED DESCRIPTION
- 2) ALL ROADS SHOWN HAVE 50 FOOT RIGHT OF WAYS AND ALL PINS SHOWN ARE SET 25 FEET FROM THE CENTERLINE OF THE ROADS.
- 3) THIS SUBDIVISION HAS BEEN PREVIOUSLY RECORDED IN THE SOMERSET COUNTY REGISTRY OF DEEDS IN MAP FILE 888-243 IN DECEMBER OF 1988.
- 4) ALL TRAVEL SURFACES SHALL BE 15 FEET WIDE.
- 5) LOTS 143, 146, 148, 149, 150 AND 154 ARE TO BE RETAINED BY GRACE POND REALTY TRUST AND NOT TO BE OFFERED FOR SALE TO THE GENERAL PUBLIC FOR 5 YEARS FROM THE RECORDING DATE OF THIS PLAN.
- 6) LOT 147 WILL BE DEEDED TO UPPER ENCHANTED ROAD OWNERS ASSOCIATION & UPPER ENCHANTED ROAD OWNERS ASSOC. - WEST.

**LEGEND:**

- IRON PIN (SET)
- BLAZED TREE
- POST
- IRON PIN (EXISTING)
- ===== ROADWAY

PHASE 6  
"GRACE POND REALTY TRUST"  
RECORDED AT THE SOMERSET COUNTY  
REGISTRY OF DEEDS IN MAP FILE  
888-244

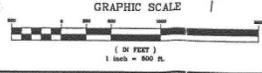


LINE	DIRECTION	DISTANCE
L1	S 77°47'00" E	1503.4'
L2	S 77°47'00" E	1503.4'
L3	S 77°47'00" E	1503.4'
L4	S 77°47'00" E	1503.4'
L5	S 77°47'00" E	1503.4'
L6	S 77°47'00" E	1503.4'
L7	S 77°47'00" E	1503.4'
L8	S 77°47'00" E	1503.4'
L9	S 77°47'00" E	1503.4'
L10	S 77°47'00" E	1503.4'
L11	S 77°47'00" E	1503.4'
L12	S 77°47'00" E	1503.4'
L13	S 77°47'00" E	1503.4'
L14	S 77°47'00" E	1503.4'
L15	S 77°47'00" E	1503.4'
L16	S 77°47'00" E	1503.4'
L17	S 77°47'00" E	1503.4'
L18	S 77°47'00" E	1503.4'
L19	S 77°47'00" E	1503.4'
L20	S 77°47'00" E	1503.4'
L21	S 77°47'00" E	1503.4'
L22	S 77°47'00" E	1503.4'
L23	S 77°47'00" E	1503.4'
L24	S 77°47'00" E	1503.4'
L25	S 77°47'00" E	1503.4'
L26	S 77°47'00" E	1503.4'
L27	S 77°47'00" E	1503.4'
L28	S 77°47'00" E	1503.4'
L29	S 77°47'00" E	1503.4'
L30	S 77°47'00" E	1503.4'
L31	S 77°47'00" E	1503.4'
L32	S 77°47'00" E	1503.4'
L33	S 77°47'00" E	1503.4'
L34	S 77°47'00" E	1503.4'
L35	S 77°47'00" E	1503.4'
L36	S 77°47'00" E	1503.4'
L37	S 77°47'00" E	1503.4'
L38	S 77°47'00" E	1503.4'
L39	S 77°47'00" E	1503.4'
L40	S 77°47'00" E	1503.4'
L41	S 77°47'00" E	1503.4'
L42	S 77°47'00" E	1503.4'
L43	S 77°47'00" E	1503.4'
L44	S 77°47'00" E	1503.4'
L45	S 77°47'00" E	1503.4'
L46	S 77°47'00" E	1503.4'
L47	S 77°47'00" E	1503.4'
L48	S 77°47'00" E	1503.4'
L49	S 77°47'00" E	1503.4'
L50	S 77°47'00" E	1503.4'
L51	S 77°47'00" E	1503.4'
L52	S 77°47'00" E	1503.4'
L53	S 77°47'00" E	1503.4'
L54	S 77°47'00" E	1503.4'
L55	S 77°47'00" E	1503.4'

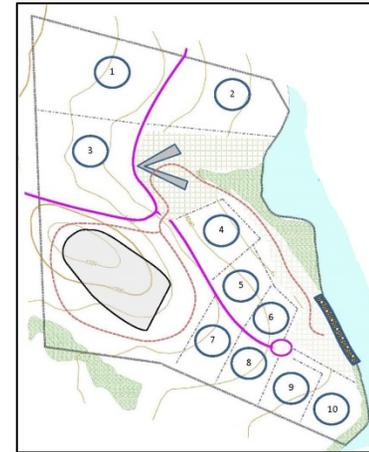
**PHASE 7**  
IN THE DIVISION OF  
UPPER ENCHANTED TWP  
BY  
**GRACE POND REALTY TRUST**  
TOWNSHIP 3 - RANGE 6  
SOMERSET COUNTY, MAINE  
DECEMBER 1988  
BEING A PORTION OF A  
PARCEL OF LAND BELONGING TO  
**GRACE POND REALTY TRUST**  
(VOLUME 1360 PAGE 283 SOMERSET COUNTY REGISTRY)  
TOTAL ACRES: 1236.3 NUMBER OF LOTS: 15  
SCALE: 1"=500'  
PREPARED BY: A.E. STURGEON & COMPANY  
115 MAIN STREET, BANGOR, MAINE, 04401  
JOHN B. CAHOON, P.L.S. #324  
REVISED NOVEMBER 9, 1992 - FOR LAND USE  
REGULATION COMMISSION APPROVAL

**Grace Pond Realty Subdivision, Phase 7**

Total number of lots- 15  
 Total acres- 967 acres  
 Lot size range- 43 – 153 acres  
 Average lot size- 69 acres  
 Overall density- 0.02 units/acre  
 Open space- 269 acres



## Design Option 4: Performance-based Subdivision



Key Objectives	Design Considerations	Possible Benefits	Possible Concerns
<ul style="list-style-type: none"> <li>⌘ Quality subdivision design</li> <li>▣ Fit existing character</li> <li>▲ Efficient use of limited resources</li> <li>◆ Protect high value resources</li> <li>⚙ Sound use of recreational resources</li> <li>○ Ensure adequate infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>⌘ Variable lot sizes</li> <li>⌘ Protection of unique characteristics of the site</li> <li>▣ Development fits with existing topography</li> <li>▲ Grouped arrangement of lots</li> <li>◆ Preservation of high value resources in common open space</li> <li>○ Provision for trails connecting common spaces</li> <li>○ Provision for 2 escape routes or reserve area for future road connectivity</li> </ul>	<ul style="list-style-type: none"> <li>● Flexible design</li> <li>● Encourages higher density development in areas suitable for growth</li> <li>● Ability to fit the design to the best soils</li> <li>● Encourages a network of high quality open space</li> </ul>	<ul style="list-style-type: none"> <li>● Adequate land area for sewer and water in higher density area</li> <li>● Extending the need for public services away from the service center</li> <li>● Compared to rural neighborhoods, longer roads with increased cost of road maintenance, and increased travel distances</li> <li>● Potential for fragmentation of large blocks of habitats and forests</li> </ul>

**GENERAL NOTES**

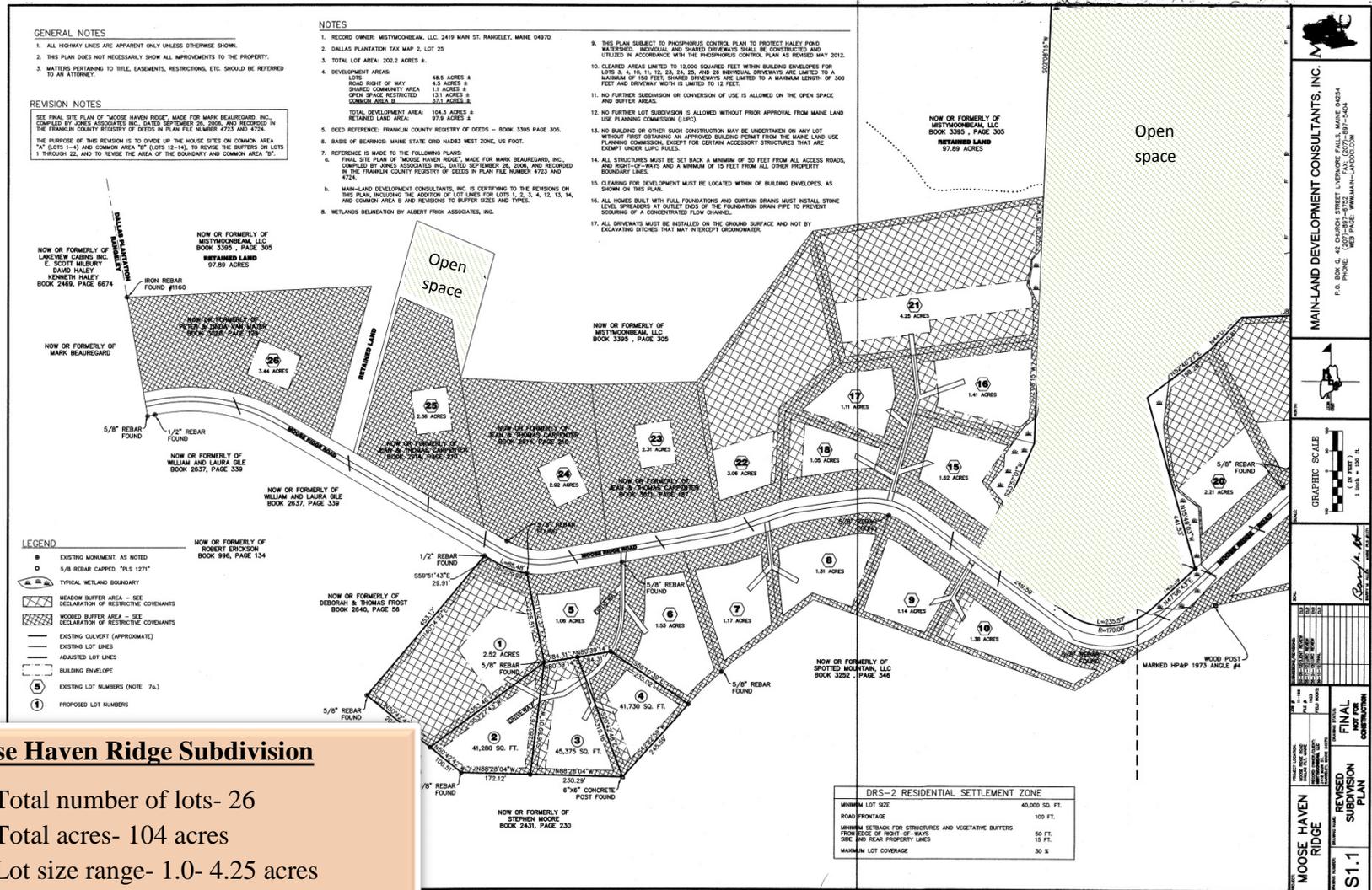
1. ALL HIGHWAY LINES ARE APPARENT ONLY UNLESS OTHERWISE SHOWN.
2. THIS PLAN DOES NOT NECESSARILY SHOW ALL IMPROVEMENTS TO THE PROPERTY.
3. MATTERS PERTAINING TO TITLE, EASEMENTS, RESTRICTIONS, ETC. SHOULD BE REFERRED TO AN ATTORNEY.

**REVISION NOTES**

SEE FINAL SITE PLAN OF "MOOSE HAVEN RIDGE" MADE FOR MARK BEAUREGARD, INC. COMPILED BY JONES ASSOCIATES INC. DATED SEPTEMBER 28, 2006, AND RECORDED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS IN PLAN FILE NUMBER 4723 AND 4724. THE PURPOSE OF THIS REVISION IS TO DIVIDE UP THE HOUSE SITES ON COMMON AREA "A" LOTS 1-11 AND COMMON AREA "B" LOTS 12-16, TO REVISE THE BUFFERS ON LOTS 1 THROUGH 22, AND TO REVISE THE AREA OF THE BOUNDARY AND COMMON AREA "B".

**NOTES**

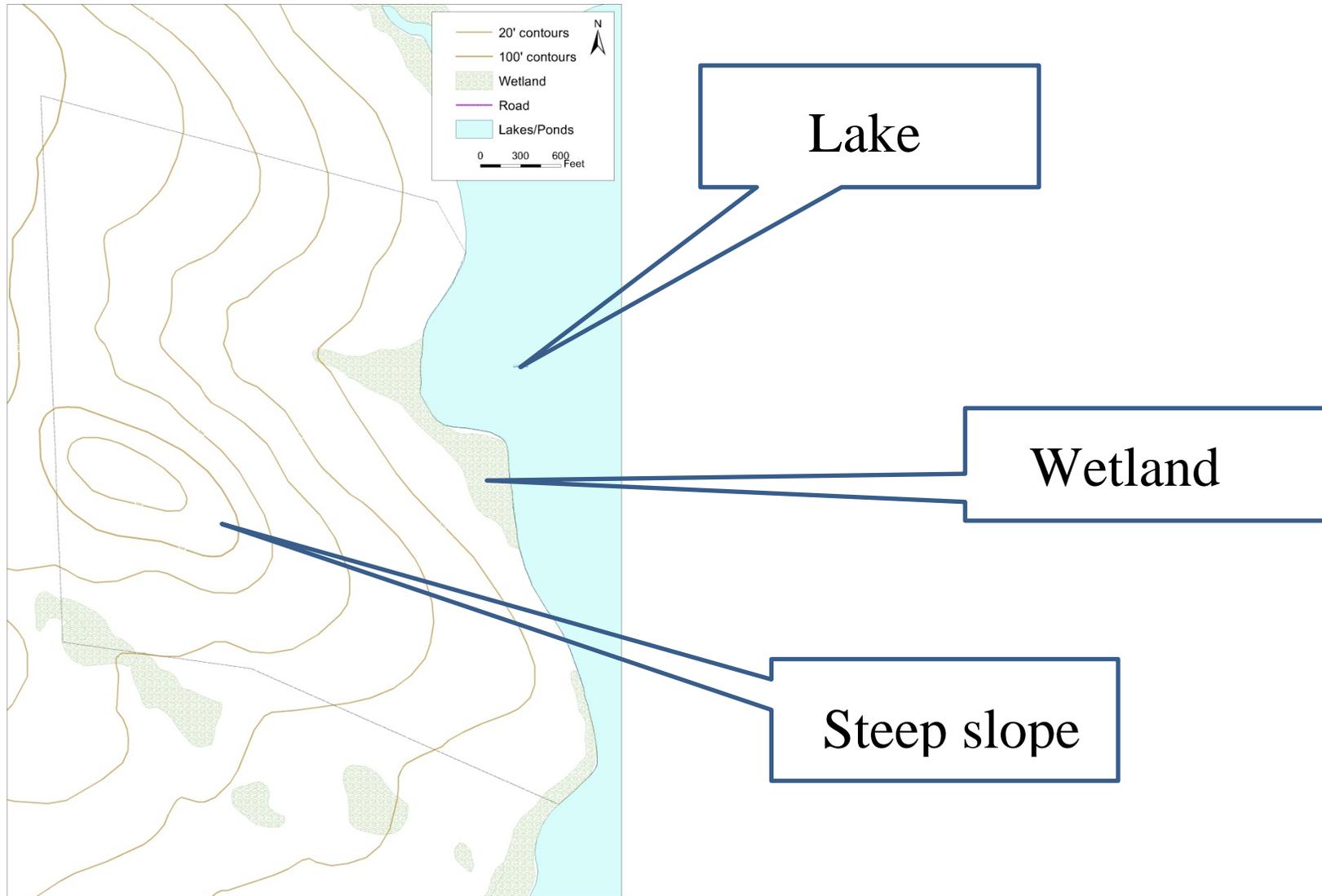
1. RECORD OWNER: MISTWOODBEAM, LLC, 2419 MAIN ST. RANGLEY, MAINE 04870.
2. DALLAS PLANTATION TAX MAP 2, LOT 25
3. TOTAL LOT AREA: 202.2 ACRES ±.
4. DEVELOPMENT AREAS:
  - LOTS 4.5 ACRES ±
  - ROAD RIGHT-OF-WAY 48.5 ACRES ±
  - SHARED COMMUNITY AREA 1.1 ACRES ±
  - OPEN SPACE RESTRICTED 15.1 ACRES ±
  - COMMON AREA B 37.1 ACRES ±.
5. TOTAL DEVELOPMENT AREA: 194.3 ACRES ±
6. RETAINED LAND AREA: 97.9 ACRES ±
7. BASIS OF BEARINGS: MAINE STATE GRID NAD83 WEST ZONE, US FOOT.
8. REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - FINAL SITE PLAN OF "MOOSE HAVEN RIDGE" MADE FOR MARK BEAUREGARD, INC. DATED SEPTEMBER 28, 2006, AND RECORDED IN THE FRANKLIN COUNTY REGISTRY OF DEEDS IN PLAN FILE NUMBER 4723 AND 4724.
  - MAN-LAND DEVELOPMENT CONSULTANTS, INC. IS CERTIFYING TO THE REVISIONS ON THIS PLAN, INCLUDING THE ADDITION OF LOT LINES FOR LOTS 1, 2, 3, 4, 12, 13, 14, AND COMMON AREA B AND REVISIONS TO BUFFER SIZES AND TYPES.
  - MELANDS DELINEATION BY ALBERT FROOK ASSOCIATES, INC.
9. THIS PLAN SUBJECT TO PHOSPHORUS CONTROL PLAN TO PROTECT HALEY POND WATERSHED. INDIVIDUAL AND SHARED DRAINWAYS SHALL BE CONSTRUCTED AND UTILIZED IN ACCORDANCE WITH THE PHOSPHORUS CONTROL PLAN AS REVISED MAY 2012.
10. CLEARED AREAS LIMITED TO 12,000 SQUARE FEET WITHIN BUILDING ENVELOPES FOR LOTS 3, 4, 11, 12, 13, 14, 15, 16, AND 25. INDIVIDUAL DRAINWAYS ARE LIMITED TO A MAXIMUM OF 100 FEET. SHARED DRAINWAYS ARE LIMITED TO A MAXIMUM LENGTH OF 300 FEET AND DRAINAGE WIDTH IS LIMITED TO 12 FEET.
11. NO FURTHER SUBDIVISION OR CONVERSION OF USE IS ALLOWED ON THE OPEN SPACE AND BUFFER AREAS.
12. NO FURTHER LOT SUBDIVISION IS ALLOWED WITHOUT PRIOR APPROVAL FROM MAINE LAND USE PLANNING COMMISSION (LUPC).
13. NO BUILDING OR OTHER SUCH CONSTRUCTION MAY BE UNDERTAKEN ON ANY LOT WITHOUT FIRST OBTAINING AN APPROVED BUILDING PERMIT FROM THE MAINE LAND USE PLANNING COMMISSION, EXCEPT FOR CERTAIN ACCESSORY STRUCTURES THAT ARE EXEMPT UNDER LUPC RULES.
14. ALL STRUCTURES MUST BE SET BACK A MINIMUM OF 50 FEET FROM ALL ACCESS ROADS, AND RIGHT-OF-WAYS AND A MINIMUM OF 15 FEET FROM ALL OTHER PROPERTY BOUNDARY LINES.
15. CLEARING FOR DEVELOPMENT MUST BE LOCATED WITHIN OF BUILDING ENVELOPES, AS SHOWN ON THIS PLAN.
16. ALL HOMES BUILT WITH FULL FOUNDATIONS AND CURTAIN DRAINS MUST INSTALL STONE LEVEL SPREADERS AT OUTER EDGE OF THE FOUNDATION DRAIN PIPE TO PREVENT SCOURING OF A CONCENTRATED FLOW CHANNEL.
17. ALL DRAINWAYS MUST BE INSTALLED ON THE GROUND SURFACE AND NOT BY EXCAVATING DITCHES THAT MAY INTERCEPT GROUNDWATER.

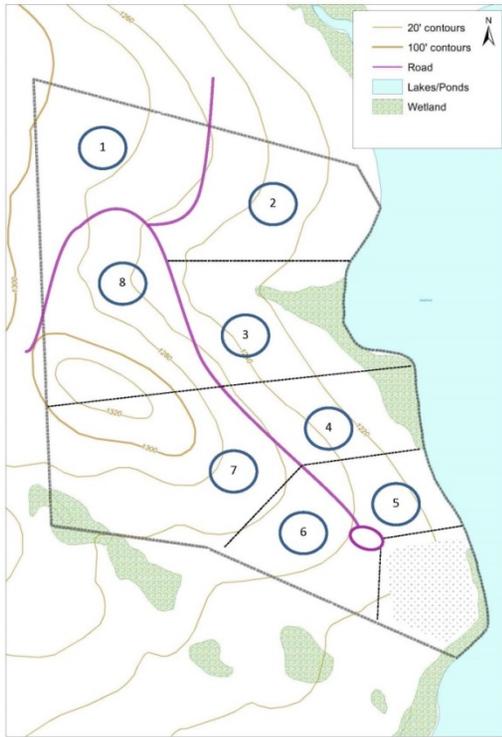


**Moose Haven Ridge Subdivision**

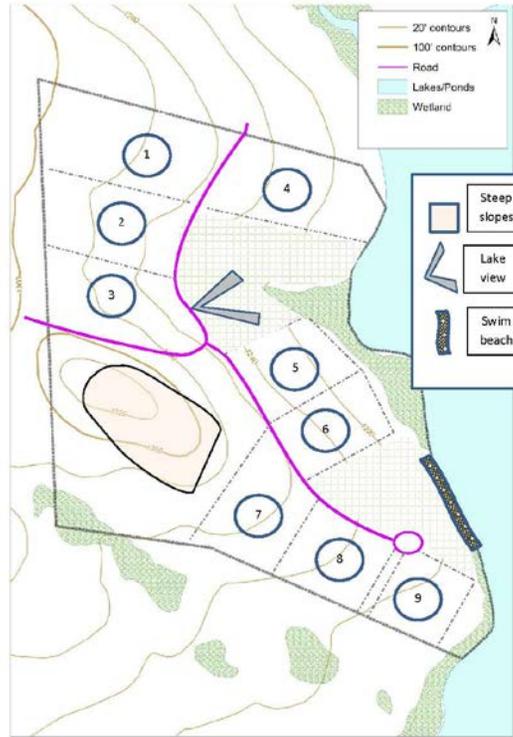
Total number of lots- 26  
 Total acres- 104 acres  
 Lot size range- 1.0- 4.25 acres  
 Average lot size- 1.86 acres  
 Overall density- 0.25 units/acre  
 Open space- 51 acres

## 4. Applying Optional Designs to One Parcel

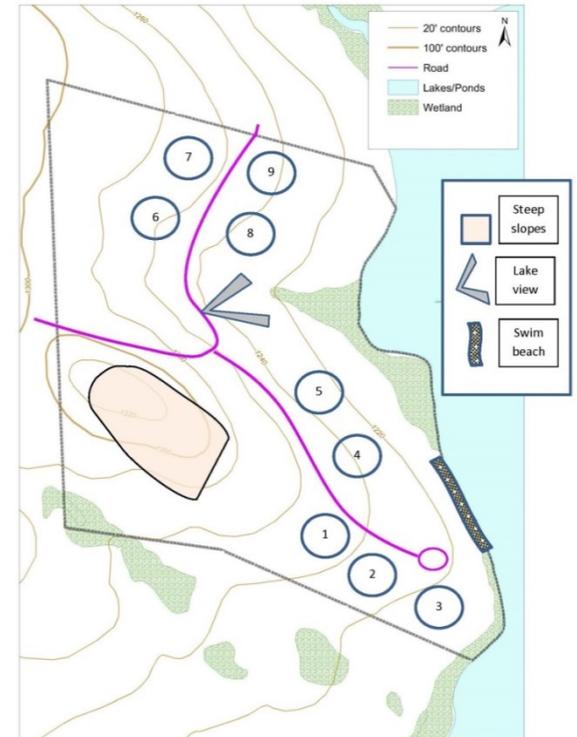




Rural Country Lots,  
Conventional Design



Rural Country Lots,  
Open Space Design



Rural Country Lots,  
Condominium Design

## **Acknowledgements**

*The Land Use Planning Commission sincerely appreciates the following design, planning and engineering professionals for their assistance in the development of this document:* Randall Arendt, Greener Prospects; Terry DeWan, Terrence J. DeWan Associates; Evan Richert, Richert Planning; Brian Kent, Kent Associates; Rob Frank and Paul Brody, WBRC Architects Engineers; Mark Eyerman, Planning Decisions; John Edgerton, Tom Farmer, and Jan Wiegman, Wright-Pierce; and Sam Coplon, Coplon Associates.

# DRAFT Subdivision Design Objectives and Options for Design Considerations

The following objectives would ensure new subdivisions are well designed to meet the needs of present and future property owners, fit harmoniously into the area and with surrounding uses, and adequately protect limited public and high value resources. Following the list of objectives is a list of possible design consideration options that could be used to meet each objective. The design for one subdivision may use one or more of the design considerations for each objective, but it is not expected that a subdivision design would include all of the listed design considerations. **The objectives and design considerations need to be reviewed with stakeholders to assess their effectiveness and practicality.**

- ⌘ Quality Subdivision Design. Ensure well thought-out subdivision designs and quality construction that: a) is responsive to the market through consideration of consumer desires for privacy and a rural Maine setting; and b) minimizes failed subdivisions with inadequate infrastructure that burdens surrounding property owners and the community.
- Existing Character. Encourage development that harmoniously fits within the existing character of the area, recognizing the diversity of different parts of the jurisdiction and that a one-size-fits-all approach to subdivision design does not account for regional differences.
- ▲ Limited Resources. Provide for efficient use of limited land resources such as shorelines, road frontages on public access roads, and suitable soils to encourage more capacity for residential development in appropriate locations and therefore minimize expansion of development into more remote areas away from public services.
- ◆ High Value Resources. Protect the high value resources of the Commission's service area including working forests, prime agricultural land, scenic vistas, cultural features, and natural areas by ensuring for the long-term the functionality and interconnectivity of open space in the regional landscape.
- ⚙ Recreational Resources. Encourage sound use of recreational resources by ensuring existing public resources are not overburdened, and access to a variety of and interconnectivity between recreational opportunities is maintained.
- Adequate Infrastructure. Ensure the availability of adequate infrastructure that has been designed efficiently and effectively to maximize public health and safety, allow efficient provision of public services, and minimize the cost of operation and maintenance including provisions for an interconnected roadway system and sufficient capacity for wastewater disposal.

# Options for Design Considerations

Some of the design considerations will be specific to certain layouts (e.g. neighborhood, country, low density). However, some could be treated as applying to all layouts, and may be dependent on the size of the development. The design considerations that could be applied to all layouts are marked with an asterisk\*.

- ⌘ Compact lots with relatively high depth to width ratios
- ⌘ Large lots
- ⌘ Variable lot sizes
- ⌘ Access and building envelopes that fit harmoniously with the existing topography\*
- ⌘ Protection or enhancement of key features or unique characteristics of the site\*
- ⌘ Establishment of short-term and long-term provisions for infrastructure maintenance\*
- ▣ Use of lot sizes that match the existing pattern of development
- ▣ Preservation of vegetated buffers along public roads
- ▣ Preservation of open space area on-site
- ▣ Use of access and building envelopes that fit with the existing topography\*
- ▣ Use of minimum road setbacks that match the prevailing development pattern and character of the area, except where other considerations, such as future road-widening, may come into play.\*
- ▲ Use of a grouped arrangement of lots
- ▲ As an alternative design, where necessary, use of limited linear groups of lots with reserve area(s) for access to future back lots
- ▲ Designation of a maximum lot size
- ▲ Reduced minimum road frontages and road setbacks
- ▲ Relatively short narrow side roads and alley ways
- ◆ Preservation of high value resources in common open space
- ◆ Preservation of high value resources through conservation easements or deed restrictions
- ◆ Protection of open space that maintains an existing natural resource corridor through the site
- ◆ Protection of open space that maintains suitable interconnectivity to off-site open space area(s)
- ◆ Use of maximum road setbacks
- ◆ Lot clearing limitations
- ◆ Prohibition of further subdivision of lots
- ⚙ Provision for a variety of useful common areas on-site within walking distance of all lots
- ⚙ Provision for walkways and/or trails connecting on-site common areas and/or off-site public spaces;
- ⚙ Preservation of large, interconnected common recreational areas on-site
- ⚙ Provision for access to a nearby public resource with sufficient capacity for all lot owners

- ⚙ Creation of a suitably located, public access easement across the parcel
- ⚙ Creation of a nearby publically accessible recreation area
- Provision for 2 escape routes from a subdivision
- Provision for future road connectivity\*
- Use of road design and rights-of-way that accommodate reasonably foreseeable related or connected development\*
- Allocation of sufficient suitable soils for wastewater disposal
- Ensure primary roads can support the subdivision as well as potential future development
- Locate wells and septic systems so as to not encroach on development capacity of neighbors\*
- Locate utilities and rights-of-way to facilitate future expansions to neighboring properties if developed\*