

Subdivision Rules Stakeholder Meeting 2

Background information

Excerpts from Prior Commission Guides

The following excerpts are from publications in 1973 and 1992 which were intended to supplement the Commission's subdivision regulations. These are provided to give stakeholders a sense of what prior guidance documents looked like and to give context to the 2004 subdivision regulations which were intended to provide increased predictability. Only example pages from these documents are reproduced, however the entire document may be requested in paper form from the Commission for those who are interested.

Land Use Information Series - II

Subdividing



In the Wildlands of Maine

Written and Illustrated
by
Bruce Hendler
Landscape Architect
for the
Maine Land Use Regulation Commission
September, 1973

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Introduction

"The charming landscape which I saw this morning is indubitably made up of some twenty or thirty farms. Miller owns this field, Locke that, and Manning, the woodland beyond; but none of them owns the landscape. There is property in the horizon which no man has but he whose eyes can integrate all the parts...this is the best part of these men's farms, yet to this their warranty-deeds give no title."

—Ralph Waldo Emerson
1836

Subdividing in the Wildlands of Maine is the second of a series of informational booklets being prepared by the Maine Land Use Regulation Commission.

This booklet is part of the commission's effort to help unravel some of the problems encountered when planning to create a subdivision on land already owned, or when planning to purchase land for the purpose of subdividing.

The primary objective behind the extensive research and planning which went into the preparation of this booklet was to present in a non-legal and relatively non-technical fashion, a pictorial discussion of the principles and techniques of subdivision site analysis and site planning. As such, it is intended to be a supplement to the commission's more specific land use standards and regulations relative to subdivisions.

It is an attempt to point out how to avoid the mistakes frequently made in choosing suitable land for subdividing, and in appropriately subdividing that land — mistakes which result in increased land use conflict and environmental degradation, and which cause problems and delays in applying for and receiving a subdivision permit — all of which results in a waste of time and money.

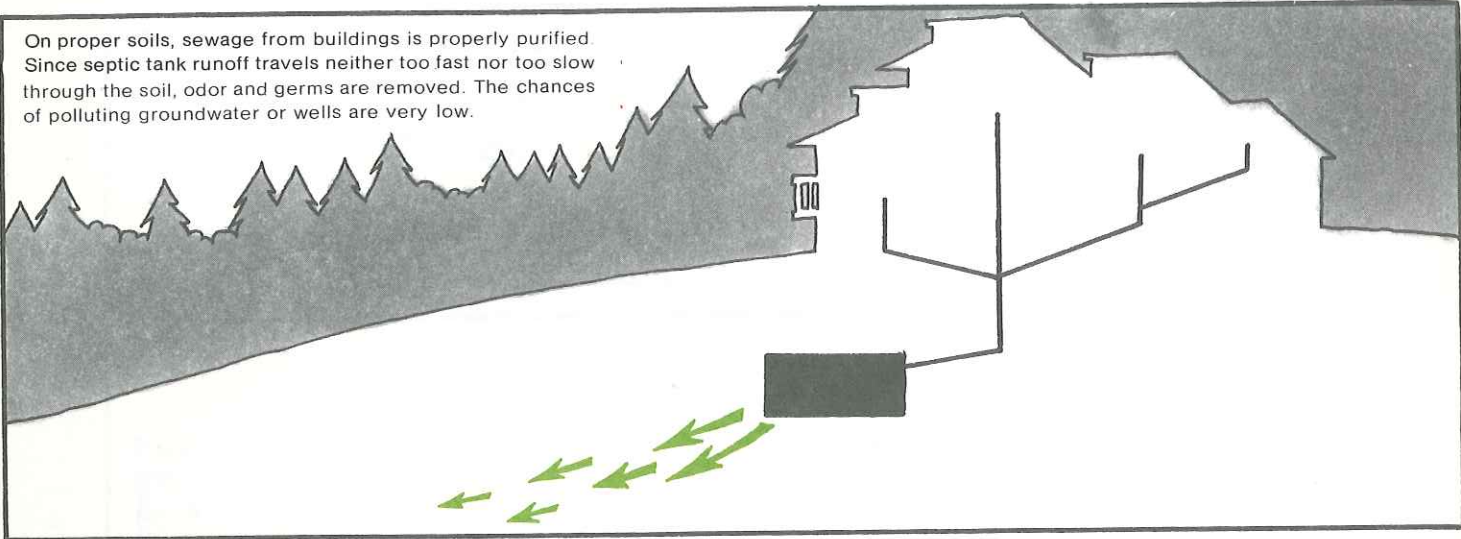
I hope that the content and enjoyably clear graphic format of this booklet will help towards a better understanding of what land use regulation is all about. I think you will find that it is a matter of common sense and for our common benefit.

James S. Haskell, Jr.
Executive Director
Maine Land Use Regulation Commission
Augusta, Maine
September, 1973

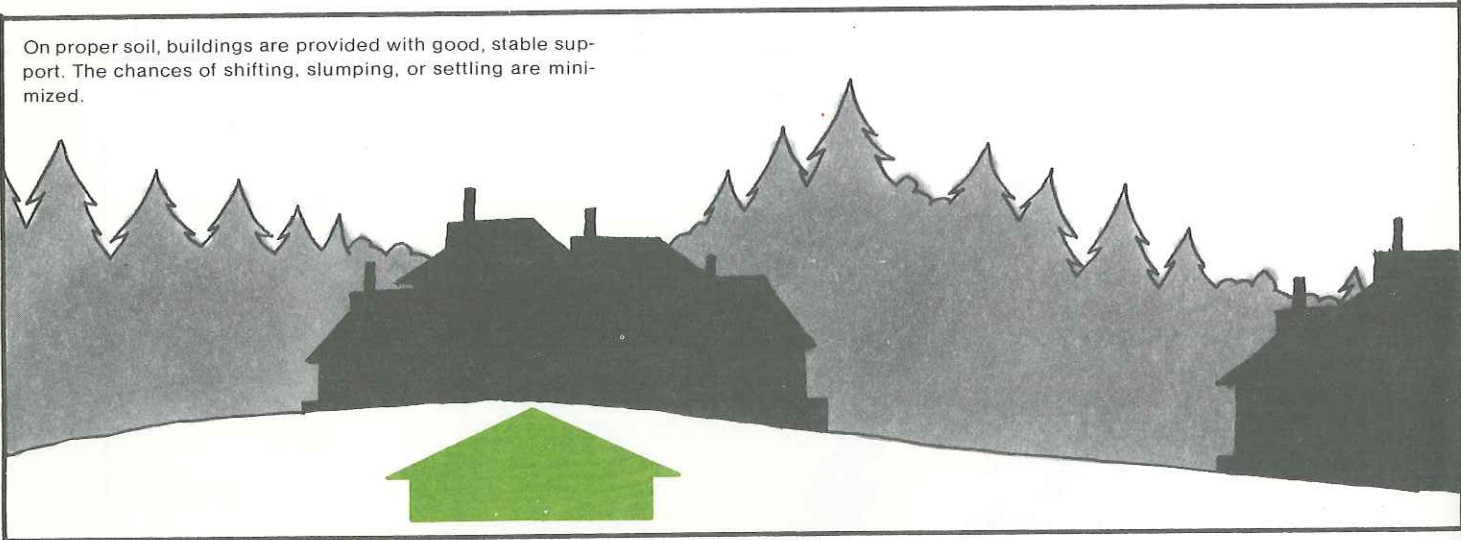
Knowing the Land

Considering Soils

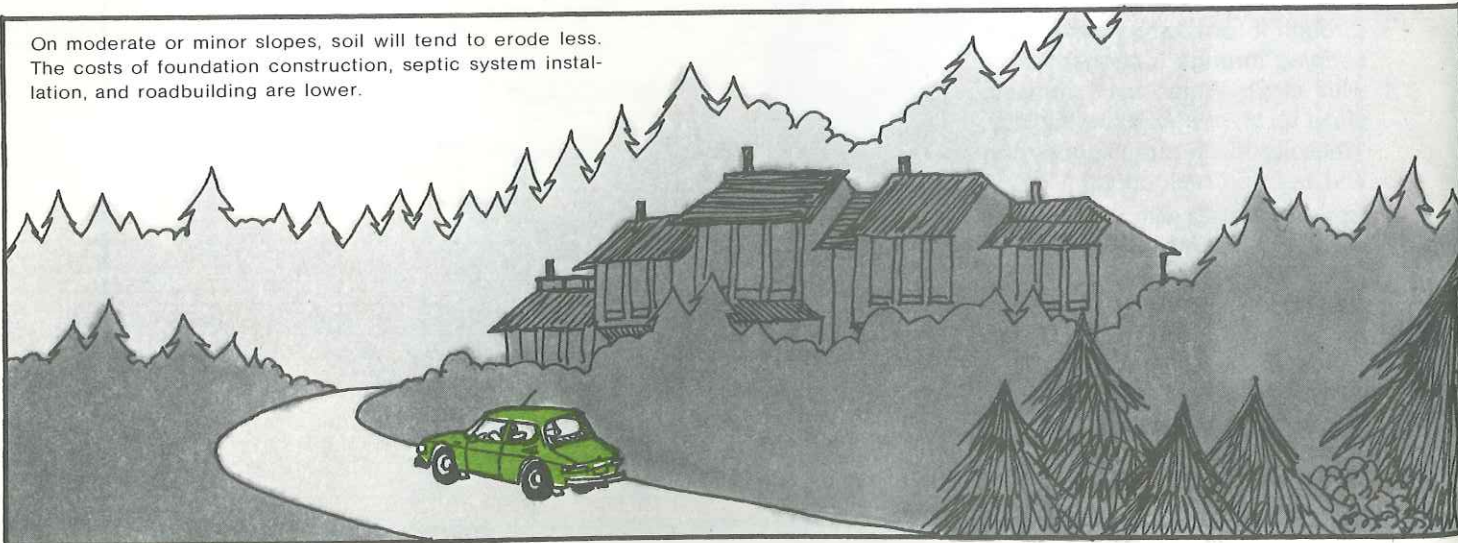
On proper soils, sewage from buildings is properly purified. Since septic tank runoff travels neither too fast nor too slow through the soil, odor and germs are removed. The chances of polluting groundwater or wells are very low.



On proper soil, buildings are provided with good, stable support. The chances of shifting, slumping, or settling are minimized.

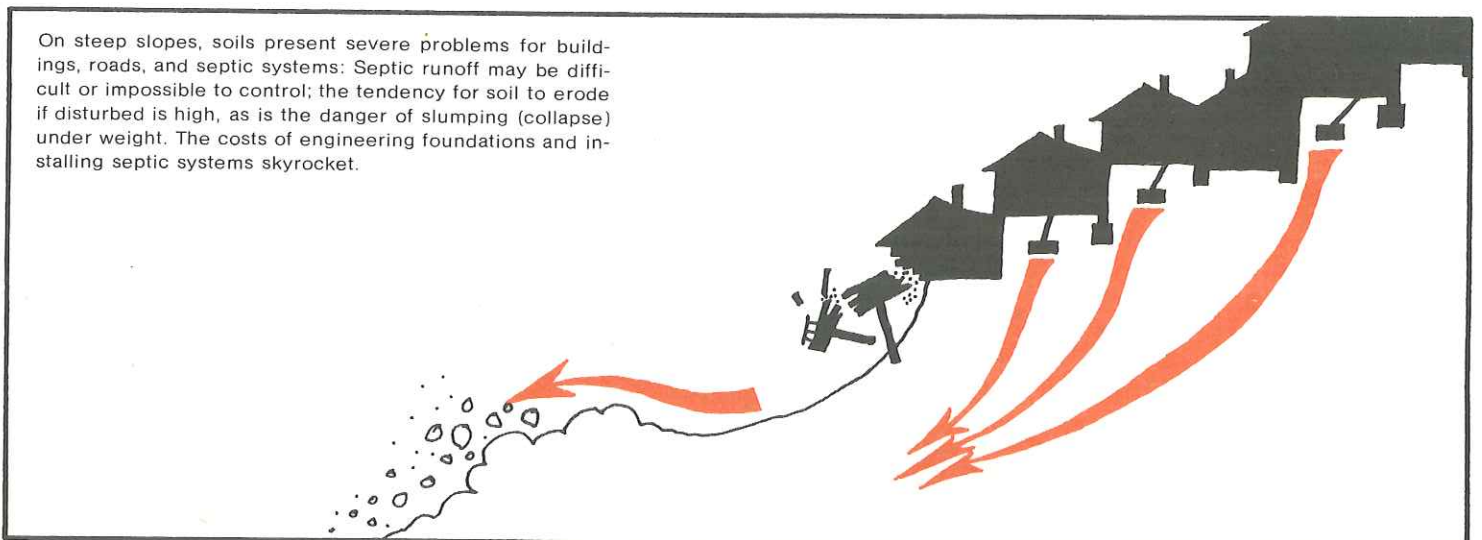
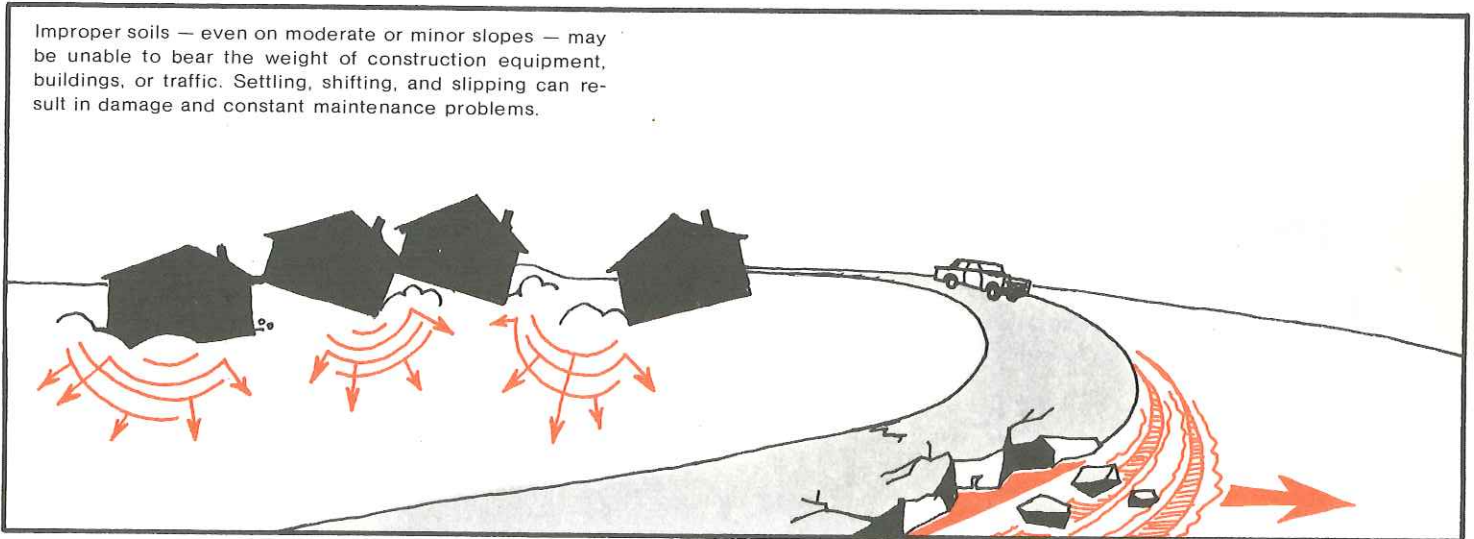
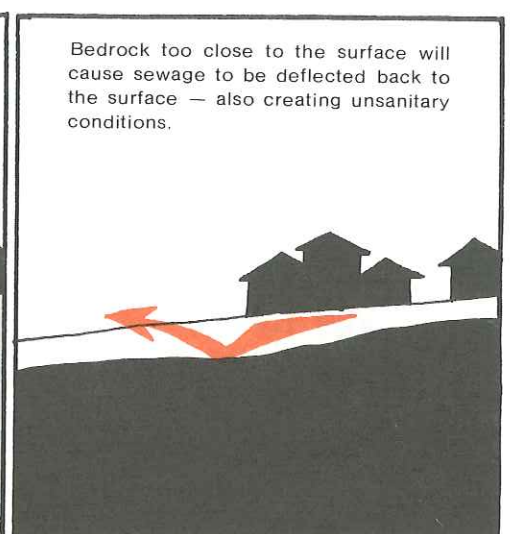
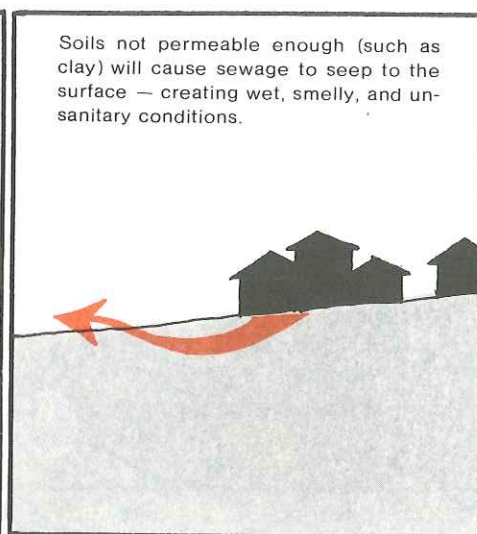
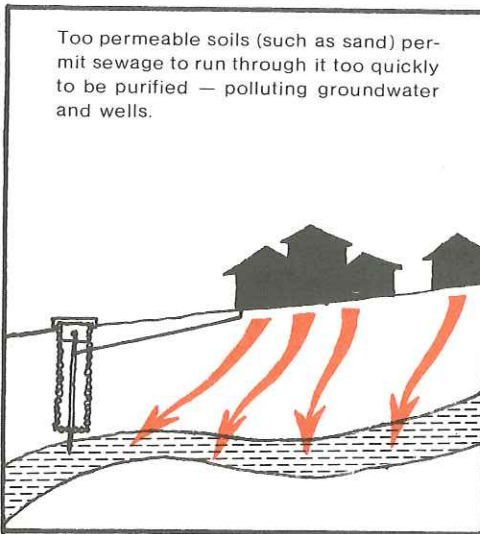


On moderate or minor slopes, soil will tend to erode less. The costs of foundation construction, septic system installation, and roadbuilding are lower.

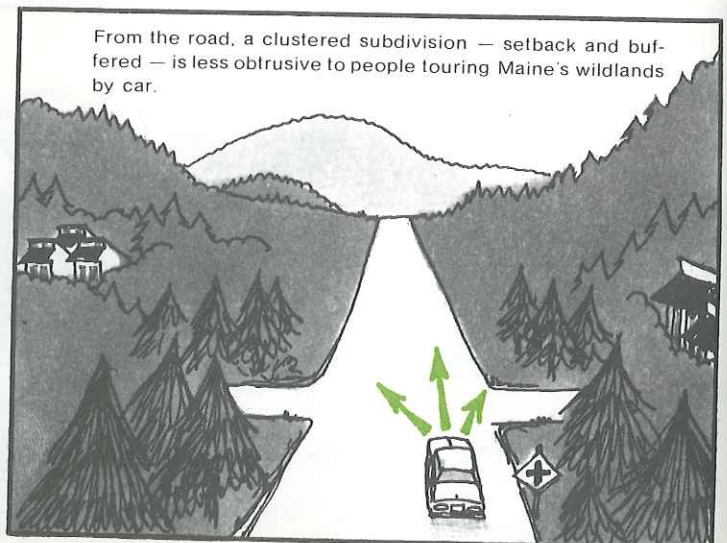
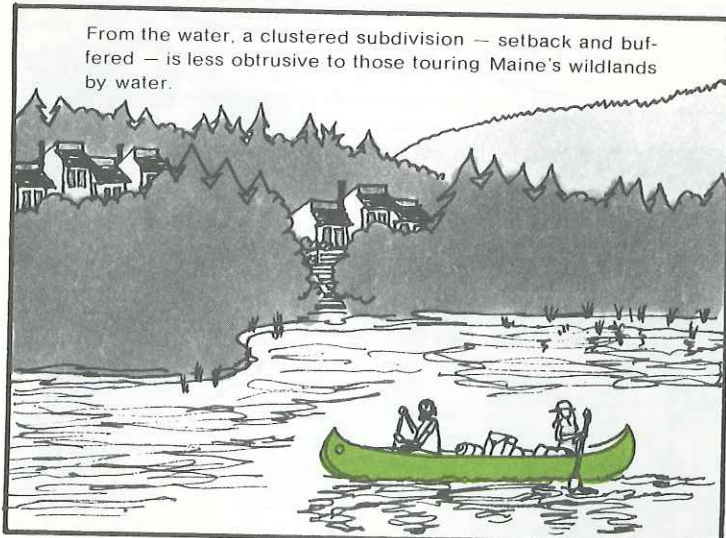
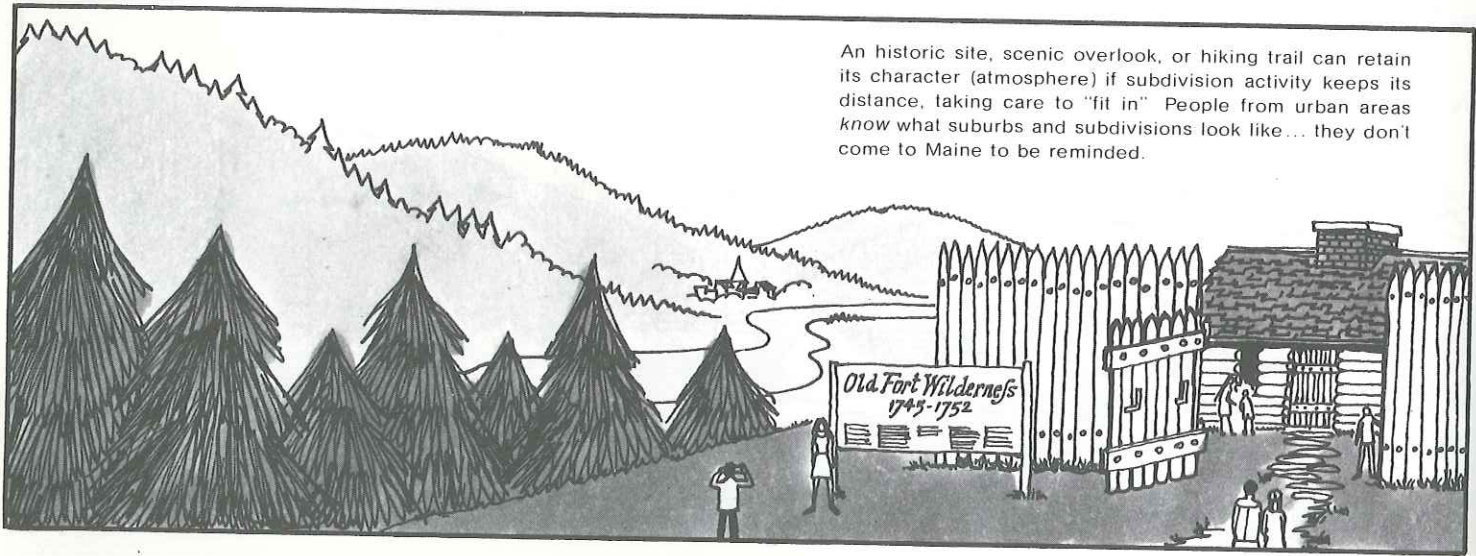
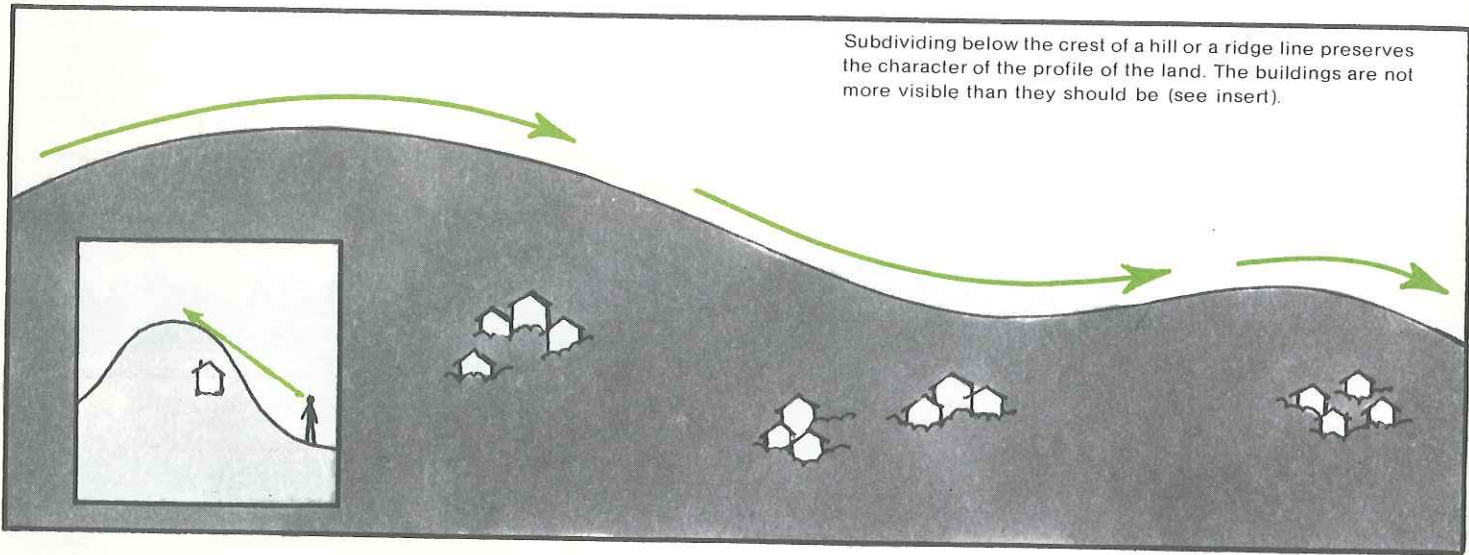


Knowing the Land

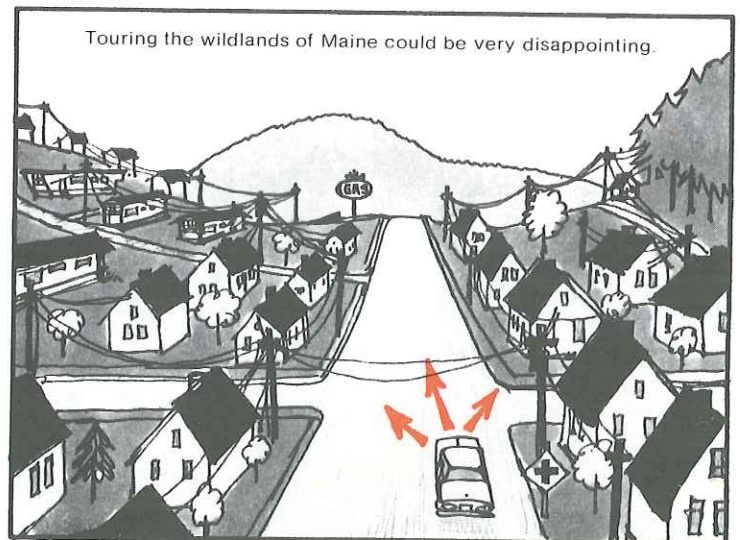
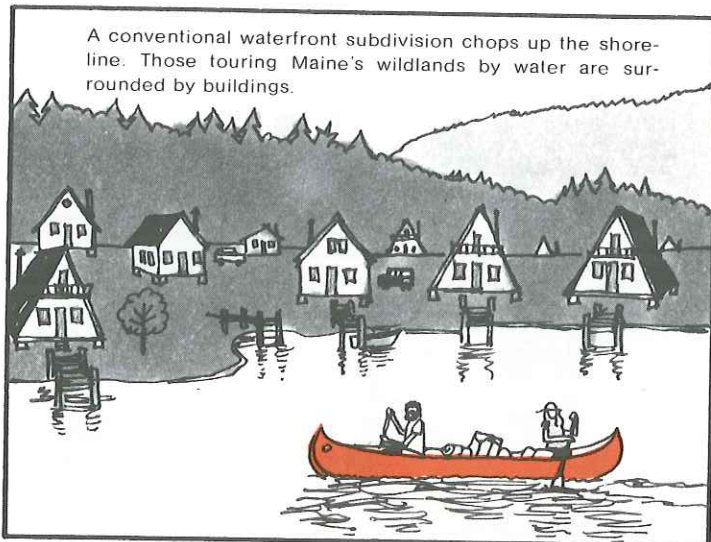
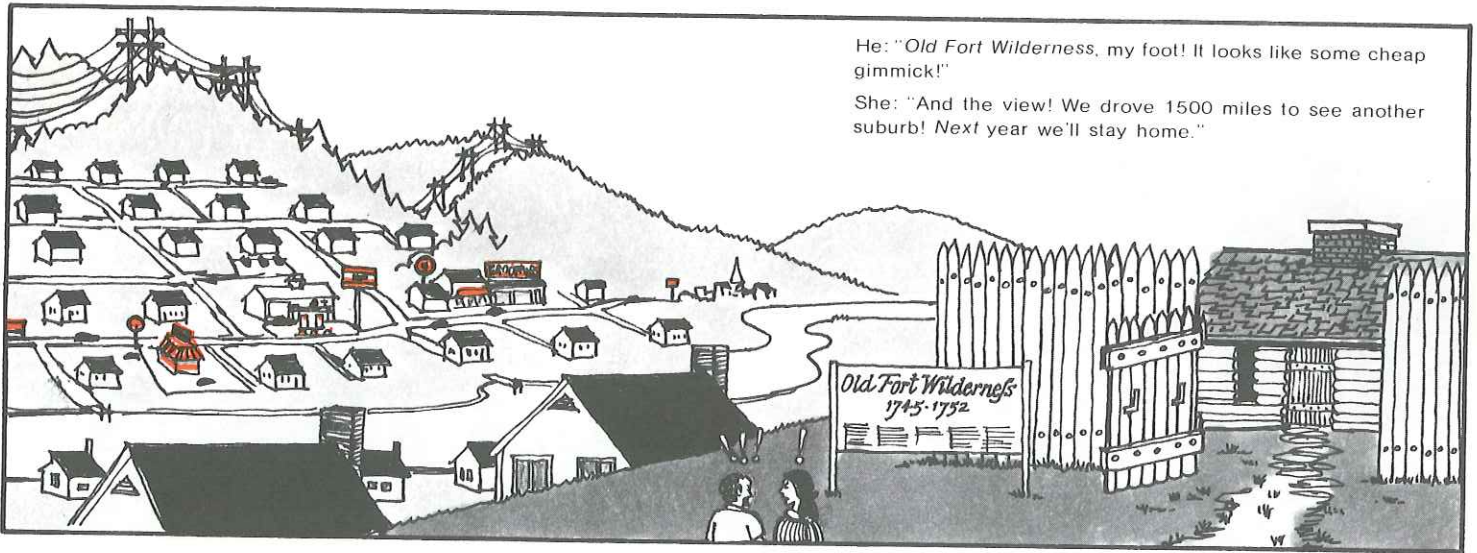
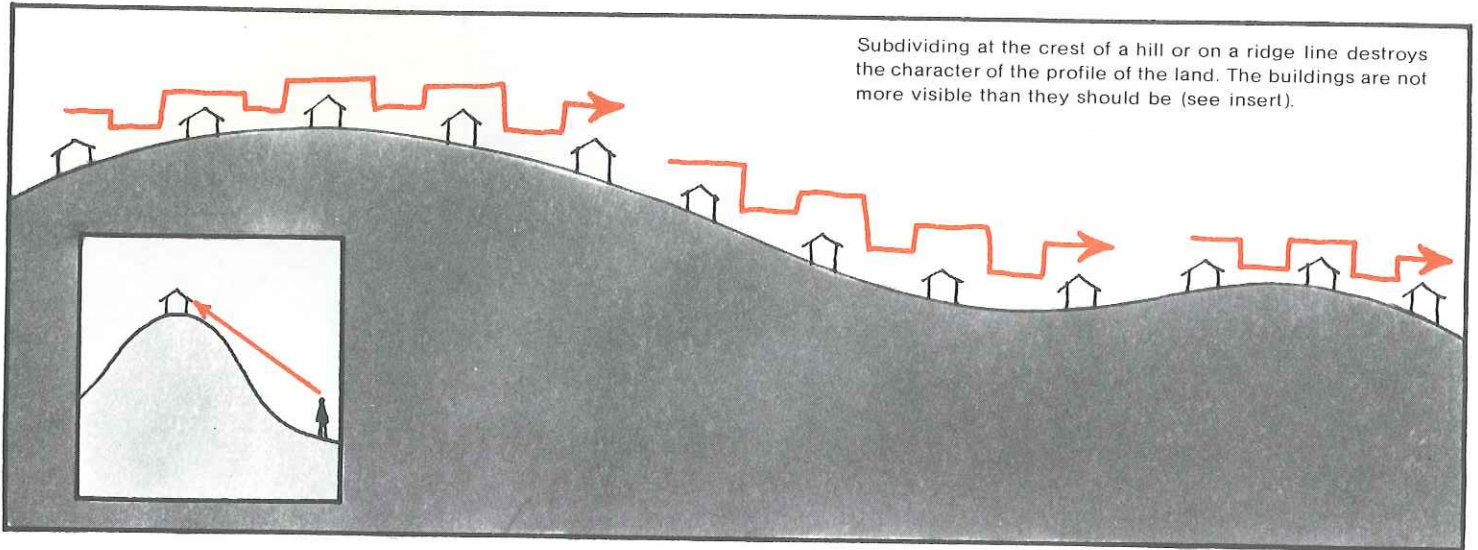
Ignoring Soils



Considering What Others See (Visual Impact)



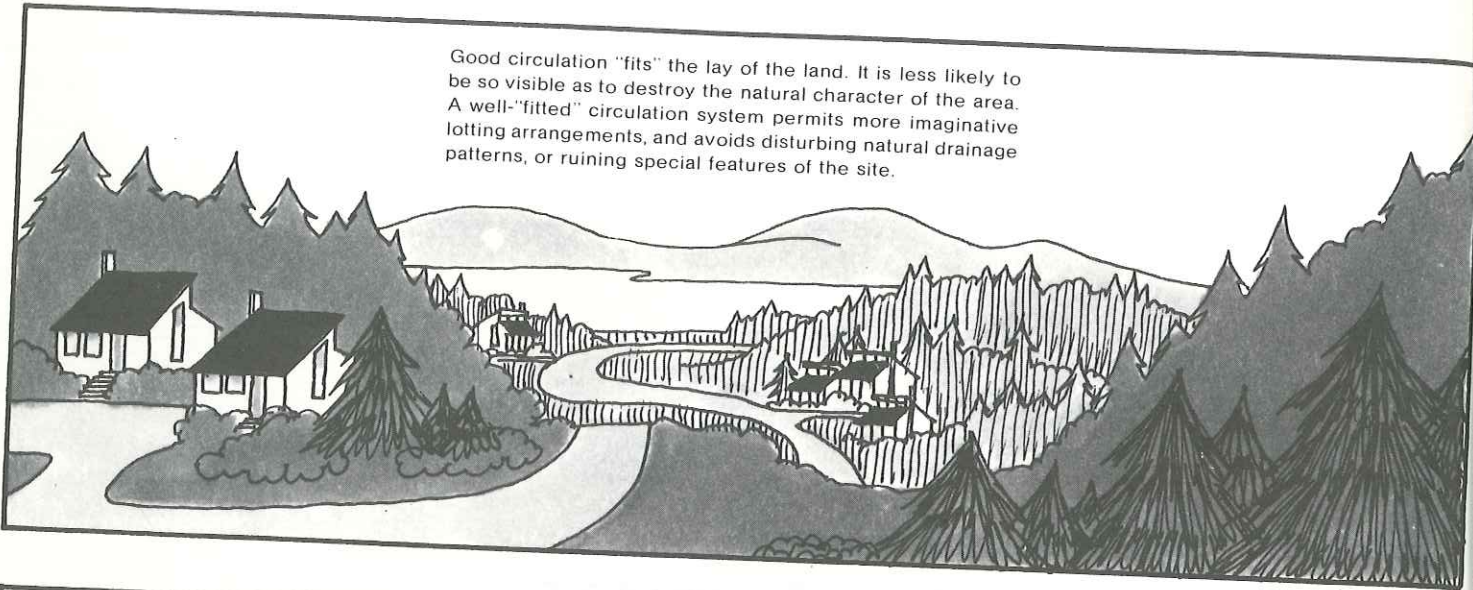
Disregarding What Others See (Visual Impact)



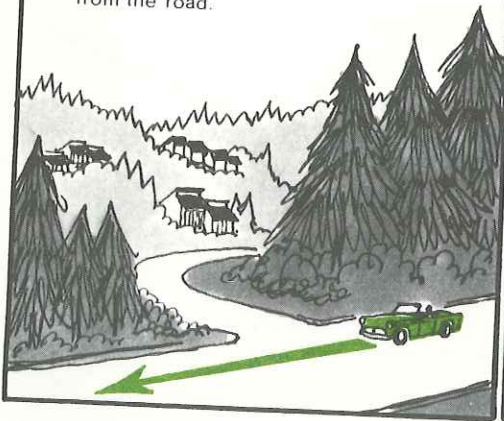
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C

Considering Access and Circulation

Good circulation "fits" the lay of the land. It is less likely to be so visible as to destroy the natural character of the area. A well-"fitted" circulation system permits more imaginative lotting arrangements, and avoids disturbing natural drainage patterns, or ruining special features of the site.



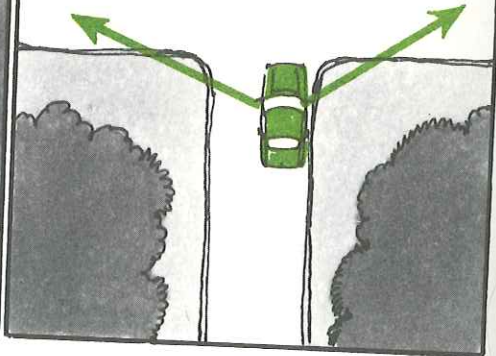
Controlling the number of accesses controls the temptation to "tour" by curious passersby from the main road, since this reduces the visibility of the subdivision from the road.



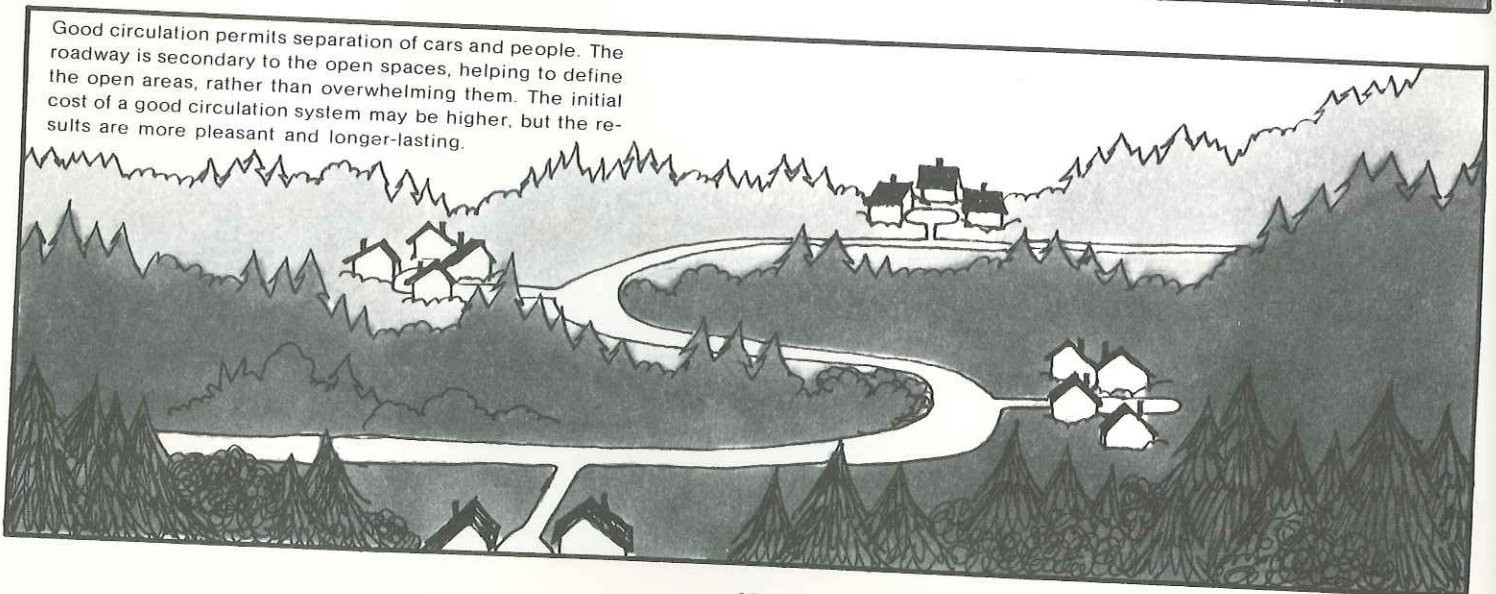
Curving roads of adequate width discourage speeding through the subdivision, and increase visual interest.



A 90-degree intersection between the access road and the main road — as well as intersections within the subdivision — will permit the best visibility. Note control of vegetation on corners.



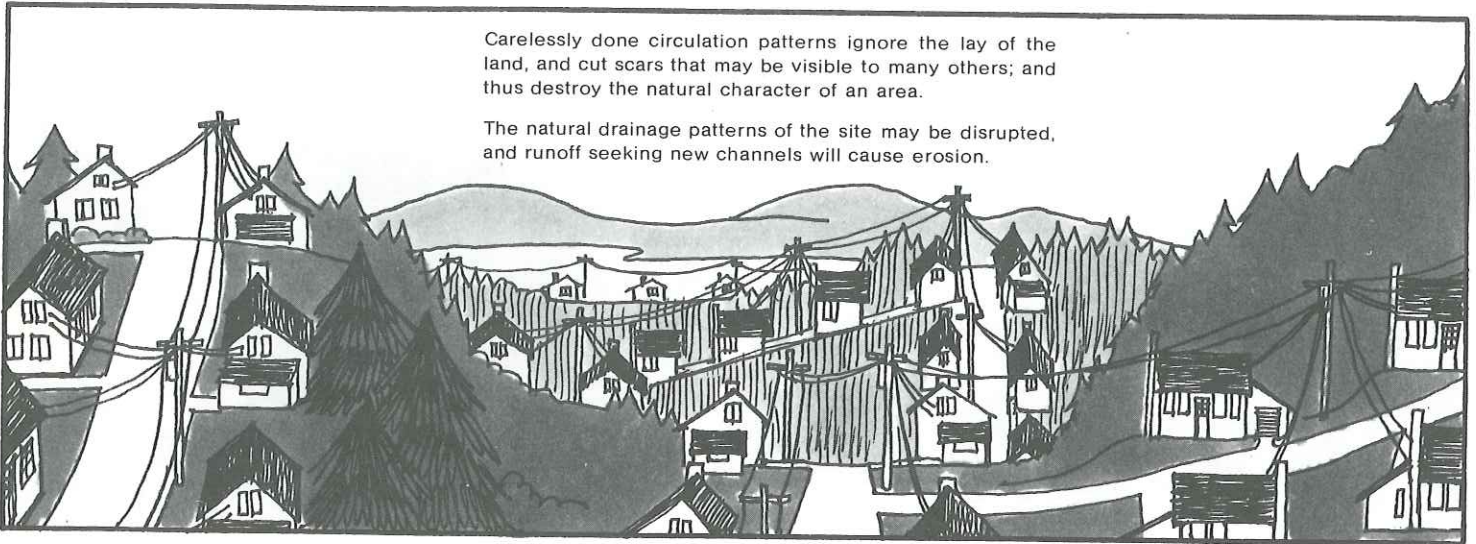
Good circulation permits separation of cars and people. The roadway is secondary to the open spaces, helping to define the open areas, rather than overwhelming them. The initial cost of a good circulation system may be higher, but the results are more pleasant and longer-lasting.



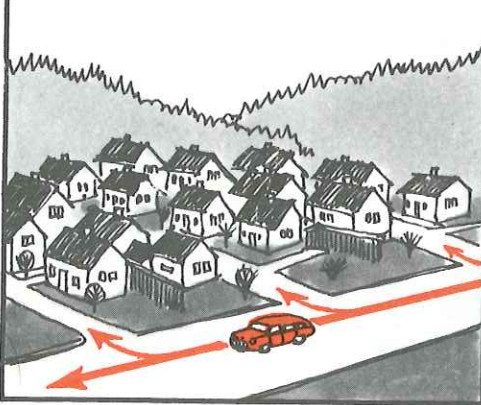
Disregarding Access and Circulation

Carelessly done circulation patterns ignore the lay of the land, and cut scars that may be visible to many others; and thus destroy the natural character of an area.

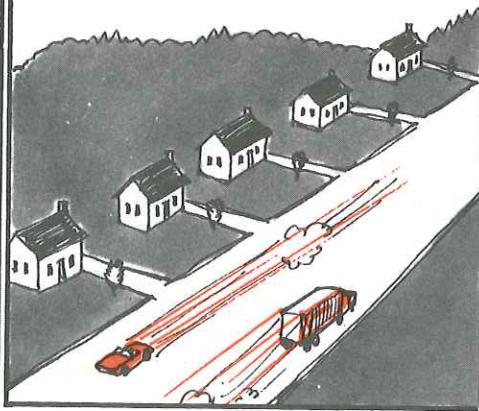
The natural drainage patterns of the site may be disrupted, and runoff seeking new channels will cause erosion.



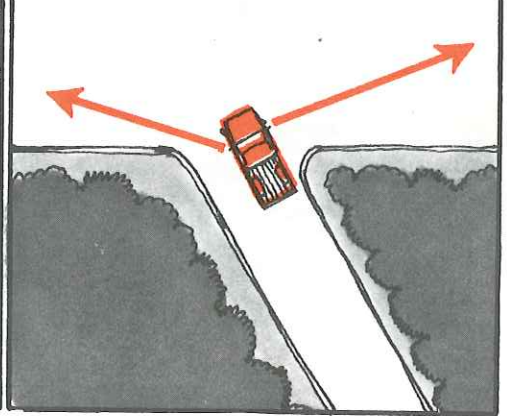
Too many access points encourage penetration of the subdivision by passersby. More confused traffic may also be expected.



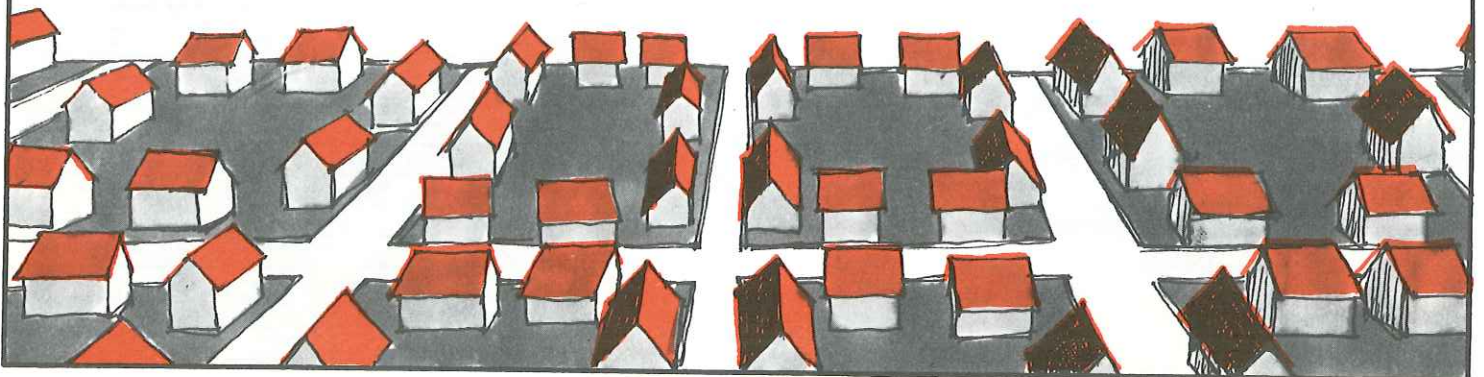
Straight, too-wide roads encourage speeding and decrease the amount of variety (visual interest) viewed from a car.



Intersections at an angle reduce two-way visibility, and force cars into the intersection to see both ways clearly.



A conventional circulation pattern tends to make cars and asphalt more important than people and green, open space. Conventional, suburbs-style circulation patterns may be easier and cheaper to begin with, but long-term costs in safety, loss of site character and appeal are high.



**A Guide to
Creative Site Planning
in the
*Unorganized Areas of Maine***

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Assisted by

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Market Decisions, Inc.**

November, 1992

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About this Guide:

The staff of the Maine Land Use Regulation Commission are often asked by prospective land developers what type of development the Commission finds appropriate for the unorganized townships and plantations in Maine. In order to illustrate the types of development approaches that may be more appropriate in the Commission's jurisdiction, this guide has been prepared to provide pre-application guidance on site/development design to those persons who desire to subdivide and develop land in the unorganized areas of Maine.

This guide illustrates, through case studies, creative alternatives to conventional patterns of development within Maine's unorganized areas. These case studies provide examples of how developers can utilize creative approaches to developing land, more harmoniously with its surroundings and with less environmental impacts than conventional development design typically affords.

Creative Development Opportunities:

During the last 20 years, the Commission has observed an increase in the fragmentation of traditional ownership patterns and the subdivision of large tracts of land within its jurisdiction, especially along lake shorelines. Recognizing that poorly planned and designed subdivision development can have a negative impact on the region's natural character and the traditional uses within its jurisdiction, as well as direct negative environmental impacts, the Commission has established a number of policies and objectives, pertaining to development, in its Comprehensive Land Use Plan which collectively seek, among other things, to: ensure that development fits harmoniously into the existing natural environment; recognize public and private interests; support the integrity of large forest holdings for wildlife and timber management purposes; and provide opportunities for creative, non-traditional development.

The Commission in its Comprehensive Land Use Plan and as reflected in its past decisions, encourages orderly, well-planned development in areas proximate to existing, compatible development and in areas most suited to accommodate that development. It has discouraged sprawling or scattered development and development detrimental to existing uses and natural resources.

How land is subdivided and developed, profoundly influences what the surrounding landscape will look like. Creatively designed, well planned developments, that provide for an integrated planning approach, one which conserves natural resources, protects sensitive water resources and preserves undeveloped open space have the greatest potential of providing harmonious, compatible development that achieve the Commission's objectives.

About the Case Studies:

The case studies depicted on the following pages were developed to illustrate how creative development approaches can be applied to a given development situation and how they compare with conventional development approaches for the same parcel. Each case study includes three graphic presentations consisting of a site analysis, plan of a conventional development and a plan of an alternative development approach. Each case study is accompanied by a narrative description.

It is important to note that the case studies presented in this guide are only advisory, in that they provide examples of various alternative approaches that could be utilized, given certain development situations and site constraints. As design concepts, the graphic examples may not accurately reflect all of the specific development requirements of the Commission's Land Use Districts and Standards (Chapter 10).

For purposes of the case studies, the following eight (8) development situations are presented, which are generally representative of development proposals or site constraints the Commission encounters:

Case Study A: Extension of Existing Cottage Community

Case Study B: Small Subdivision on Moderate-Sized Lake

Case Study C: Island Subdivision

Case Study D: Commercial Development

Case Study E: Large Subdivision with Ongoing Timber Harvest

Case Study F: Large Subdivision on Medium-Sized Lake

Case Study G: Subdivision Surrounding Small Water Body

Case Study H: Large Subdivision without Water Frontage

Staff Assistance:

The staff of the Maine Land Use Regulation Commission is available to assist prospective applicants who desire to apply alternative development approaches to individual development situations. While the Commission will not design specific projects for prospective applicants, the staff can provide early input and feedback in the site planning process.

Acknowledgements:

This guide was a cooperative effort by the Commission staff and consultants, as one component of a program to provide guidance within the context of the Commission's regulatory framework. Of the Commission's staff, Steve Levesque was the project manager and principal author of the document text, and Ellen Farese prepared the cover graphics. Terrance DeWan and Associates, with assistance from Market Decisions Inc., prepared the case study graphics and drafted the case study narratives.

CASE STUDY A

Extension of Existing Cottage Community

Development Situation:

The owners of a traditional housekeeping complex of lakeside cottages desire to sell 7 existing cabins and develop 4 additional individual cabins (without major improvements or infrastructure expenses) as year-round vacation homes in the area of a vast snowmobile trail network and a major ski resort.

Site Analysis:

The site is substantially cleared and maintained as lawn, raising concerns over increased runoff to undeveloped areas such as streams and phosphorus control in lake. The existing units have spectacular views across the lake but little or no privacy from other nearby units due to the open lawn. The existing loop road serves as access without giving the development an entry identity.

Conventional Development:

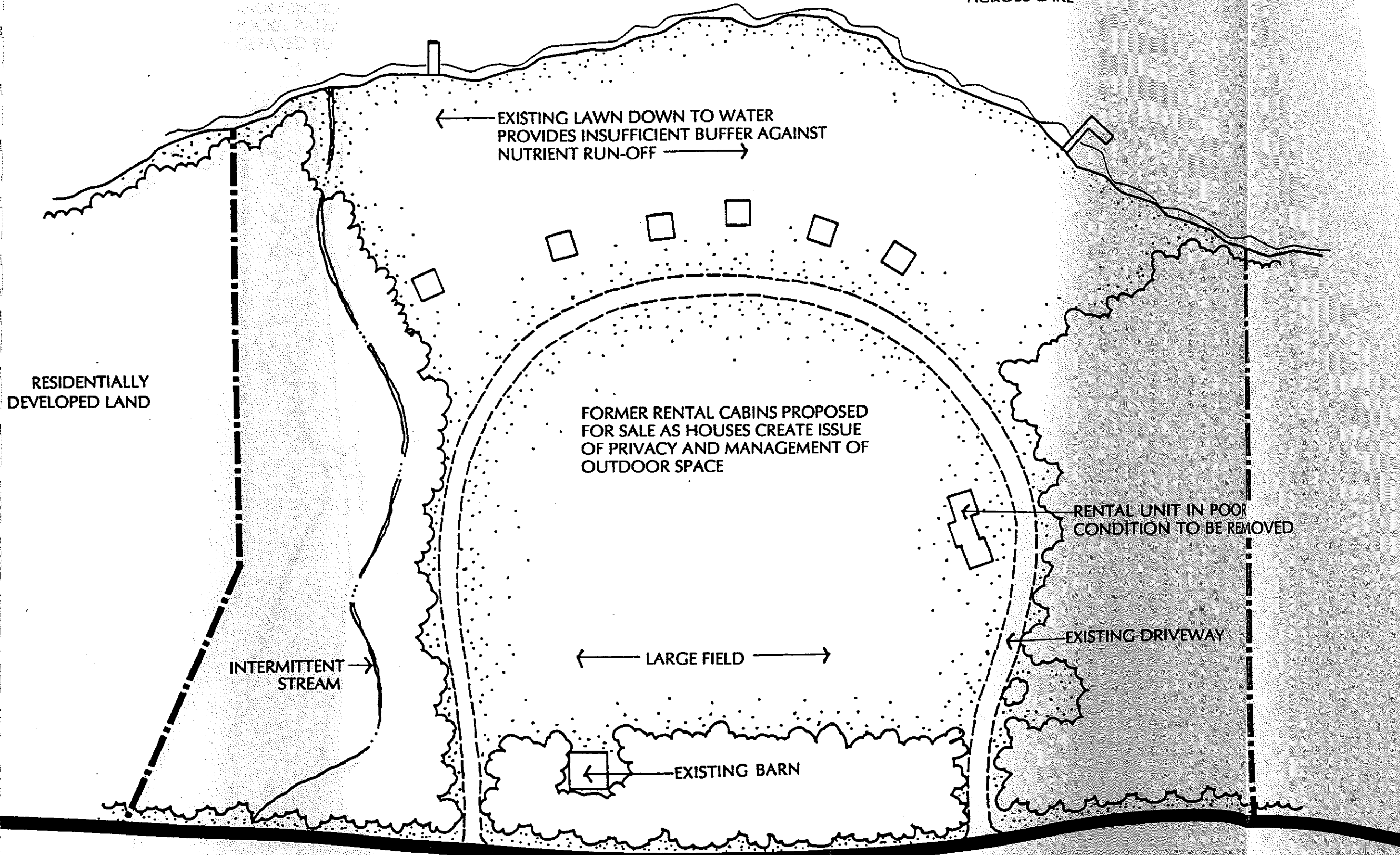
By measuring their frontage on the public roadway, the owners find that they can create eleven lots, ranging in size from one to two and a half acres. Basically, the same environmental problems which existed in the existing complex will be continued under the new ownership: phosphorus loading to lake without adequate vegetative buffer and a lack of individual unit privacy. In addition, the conventional development would result in uncontrolled access to water with a proliferation of new docks and foot paths. This scheme represents a lost opportunity by carving the open field area into spaghetti lots that are of little value to the individual lot owner and do little to foster the sense of community.

Alternative Development:

By creating new lots within wooded portions of site (providing the same number of lots as with traditional lot design), the design extends and enhances the feeling of a community with the arrangement of homes around the common open space. Stormwater runoff to the lake can be buffered with restored vegetation in a continuous lakeside zone while preserving view corridors. Open space and shared docking facilities are provided for the mutual enjoyment of all homeowners while ensuring that maintenance is a shared responsibility. A homeowners association would be responsible for maintenance of the field and shared waterfront facilities.

LARGE CLASS 3 LAKE

↑ ↑ ↑
VIEWS TO MOUNTAINS
ACROSS LAKE



**Development
Case
Studies**

Market Decisions,
Inc., Research and
Planning,

Terrence J. DeWan
& Associates,
Landscape Architects

State of Maine

Department of
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SUBDIVISION

A

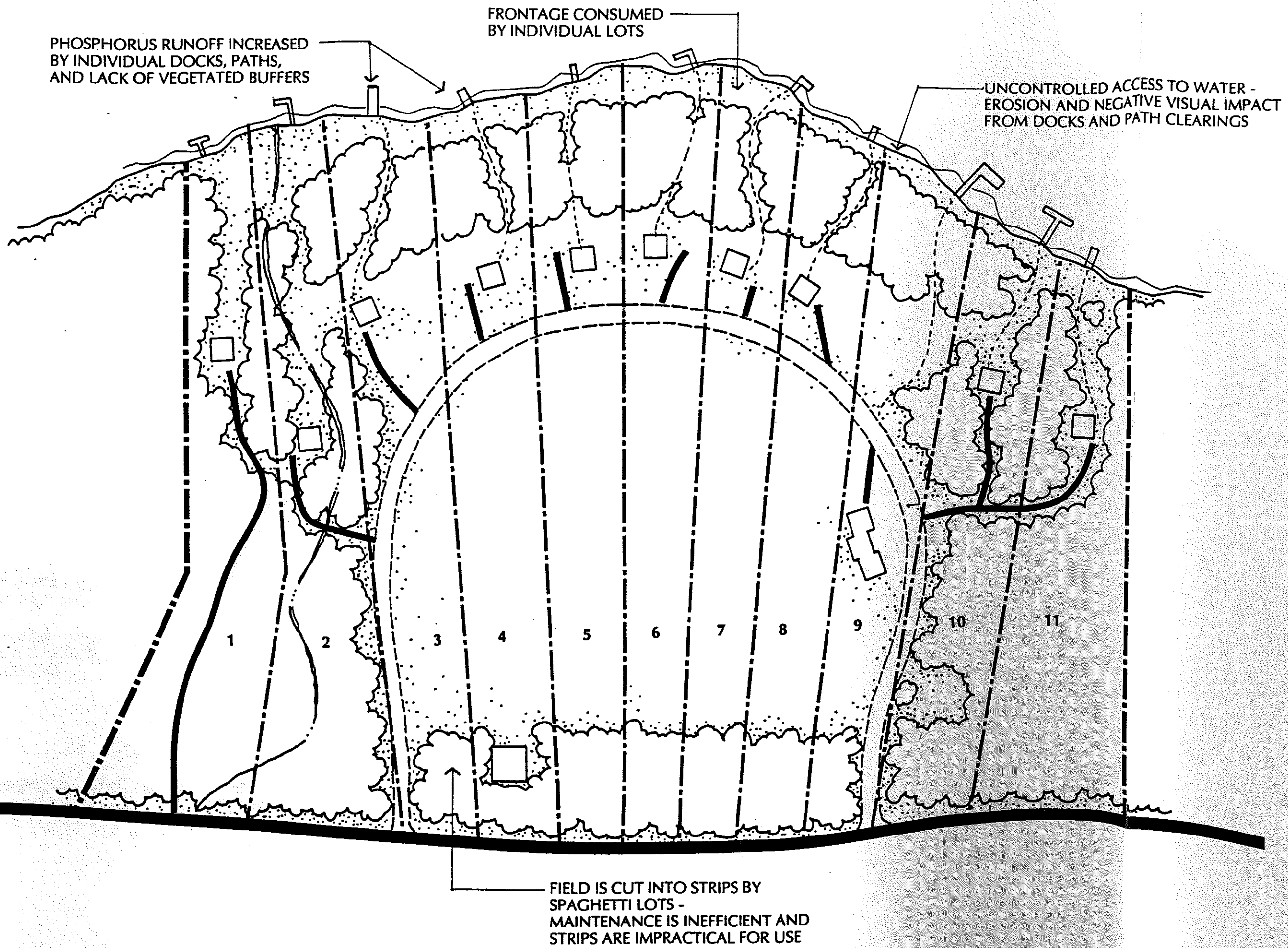
Extension of
Existing Cottage
Community

SITE ANALYSIS

scale: 1"=100'



North



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A

Extension of
Existing Cottage
Community

**CONVENTIONAL
DEVELOPMENT**

scale: 1"=100'



COMMON OPEN SPACE
(HOMEOWNER ASSOCIATION)

VIEWS OF LAKE ARE FRAMED THROUGH SELECTIVE THINNING OF
RESTORED VEGETATION. UNDERSTORY BUFFER IS FULLY
MAINTAINED FOR PROTECTION OF WATER QUALITY

PROVIDE OPEN SPACE AND
VIEW PROTECTION CORRIDORS

SHARED DOCKS TO MINIMIZE
IMPACT OF DEVELOPMENT

ACCESS TO NEW LOT
REQUIRES EASEMENT ACROSS
LOT 2 OR NEW DRIVEWAY

COMMON DRIVEWAY
CREATES SINGLE STREAM
CROSSING

FIELD REMAINS IN COMMON OWNERSHIP

PRESERVE AND SUPPORT TREE
GROWTH IN ROADSIDE
BUFFER

USE VARYING LOT SIZES TO
AVOID SCRAPS OF LAND

VILLAGE / CLUSTER ARRANGEMENT OF
HOUSES

DRIVEWAY IS UPGRADED TO MEET
ACCESS AND FRONTAGE REQUIREMENTS

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A

Extension of
Existing Cottage
Community

**ALTERNATIVE
DEVELOPMENT**

scale: 1"=100'



CASE STUDY F

Large Subdivision on Medium-Sized Lake

Development Situation:

A parcel of approximately 250 acres of land within five miles of a year round community and seasonal recreation centers is available for development of vacation homes. The lake is not large, but the recreational opportunities in the area are excellent.

Site Analysis:

The site is a fairly evenly sloped piece of land, with intermittent streams running down ravines. Habitat value is high due to the variety in the land/water edges. Development issues are the impacts on visual, water and habitat quality. Soils are sandy loam and suitable for individual or clustered septic systems. Vegetation consists of mixed hardwoods and woody shrub growth, extending down to the water. Most of the waterfront is highly erodible and inaccessible, but there are a few sandy "beaches" which would be appropriate for limited recreational use.

Conventional Development:

In this plan, the developer proposes 105 lots, each about 2 acres. The lots on water have opportunity for docks and water access; lots further upland and within the loop road have common open space at end of cul-de-sac. The lack of open space and more convenient water access may affect marketability. The road layout in this plan is unresponsive to topography or protection of land or water quality. Wildlife habitat is almost completely lost without any open space and with minimal restrictions on clearing within individual lots. The road layout does not provide for potential connection to adjacent property, and the circular loop does not provide safety, quiet or privacy.

Alternative Development:

By designing roads with a hierarchy of collector, cul-de-sac and loop roads, privacy is provided to the same number of lots without sacrificing safety. Road construction costs would be similar to large loop road, and may actually be less due to the fitting of the road horizontal and vertical layout to the topography. Small clustered lots preserve stream and open space for resident enjoyment and wildlife habitat. Buffers protect water quality and provide open space for trails and water access. Boating access and use is focused to only four locations along shore. Visual impact on shore is lessened through clearing restrictions.

← MODERATE SIZE LAKE CLASS 3 →

PROPERTY OCCUPIES 10-20% OF TOTAL LAKE FRONTAGE

SPECIAL FEATURE: GEOLOGIC AND SCENIC POINT

INTERMITTENT STREAMS ARE HABITAT AND HYDROLOGIC LINK FROM INLAND BOG TO LAKE

BEACH

BEACH

STEEP SLOPES (15-25%) WITH SOME LEDGE OUTCROPS

BEACH

SEASONAL CAMPS

← UNDEVELOPED LAND →

LOW-PRODUCTIVITY WOODLAND SOILS

HARDWOOD VEGETATION

LESS THAN FIVE MILES FROM YEAR-ROUND MUNICIPALITY AND IMPROVED ROAD

ACCESS ROAD

← SEASONAL CAMPS →

Development Case Studies

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SUBDIVISION

F

Large Subdivision on Medium-Sized Lake

SITE ANALYSIS

scale: 1"=500'



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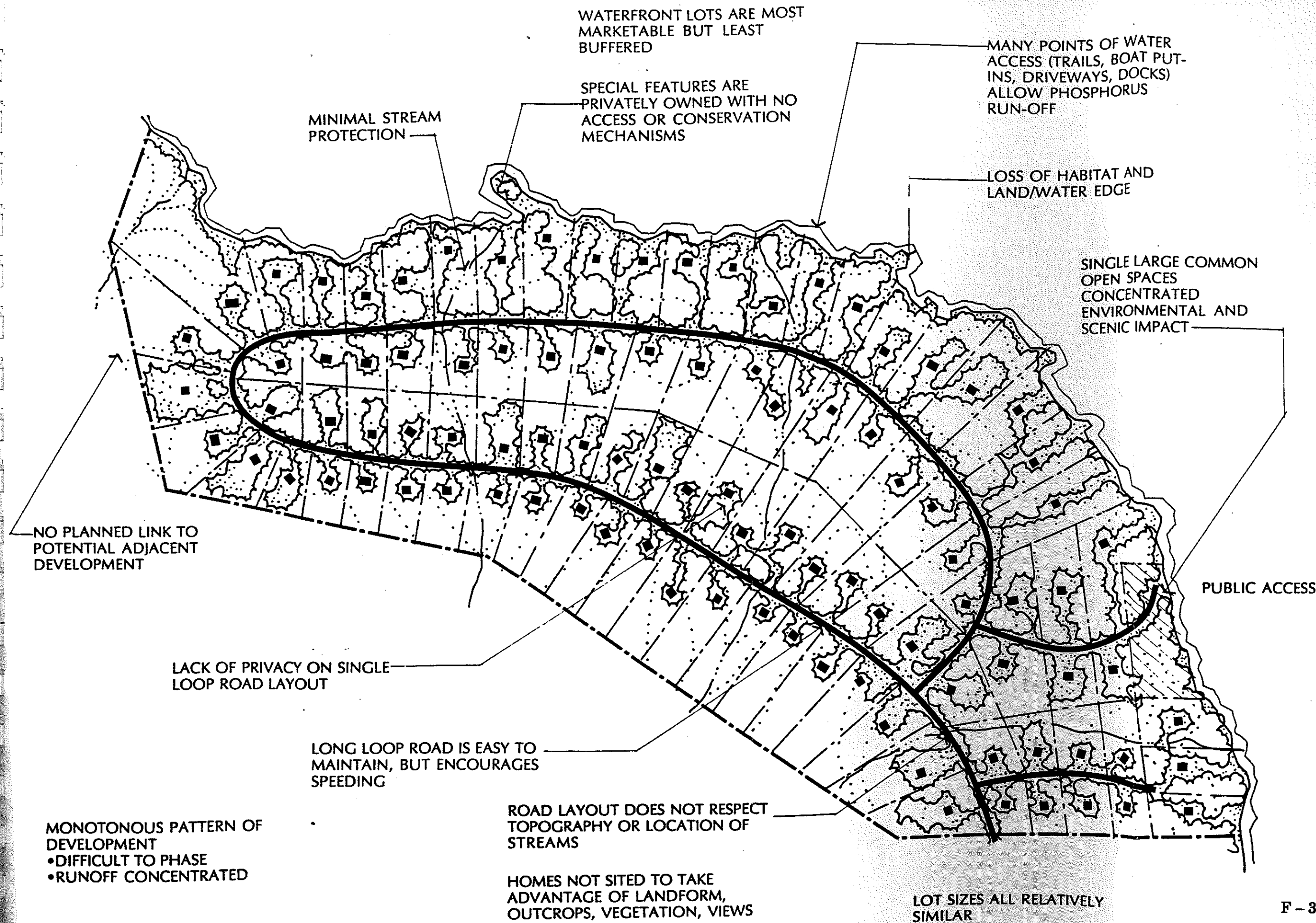
SUBDIVISION

F

Large Subdivision
on
Medium-Sized
Lake

**CONVENTIONAL
DEVELOPMENT**

scale: 1"=500'



WATERFRONT LOTS ARE MOST
MARKETABLE BUT LEAST
BUFFERED

SPECIAL FEATURES ARE
PRIVATELY OWNED WITH NO
ACCESS OR CONSERVATION
MECHANISMS

MANY POINTS OF WATER
ACCESS (TRAILS, BOAT PUT-
INS, DRIVEWAYS, DOCKS)
ALLOW PHOSPHORUS
RUN-OFF

LOSS OF HABITAT AND
LAND/WATER EDGE

SINGLE LARGE COMMON
OPEN SPACES
CONCENTRATED
ENVIRONMENTAL AND
SCENIC IMPACT

MINIMAL STREAM
PROTECTION

NO PLANNED LINK TO
POTENTIAL ADJACENT
DEVELOPMENT

LACK OF PRIVACY ON SINGLE
LOOP ROAD LAYOUT

LONG LOOP ROAD IS EASY TO
MAINTAIN, BUT ENCOURAGES
SPEEDING

ROAD LAYOUT DOES NOT RESPECT
TOPOGRAPHY OR LOCATION OF
STREAMS

HOMES NOT SITED TO TAKE
ADVANTAGE OF LANDFORM,
OUTCROPS, VEGETATION, VIEWS

LOT SIZES ALL RELATIVELY
SIMILAR

MONOTONOUS PATTERN OF
DEVELOPMENT
•DIFFICULT TO PHASE
•RUNOFF CONCENTRATED

PUBLIC ACCESS

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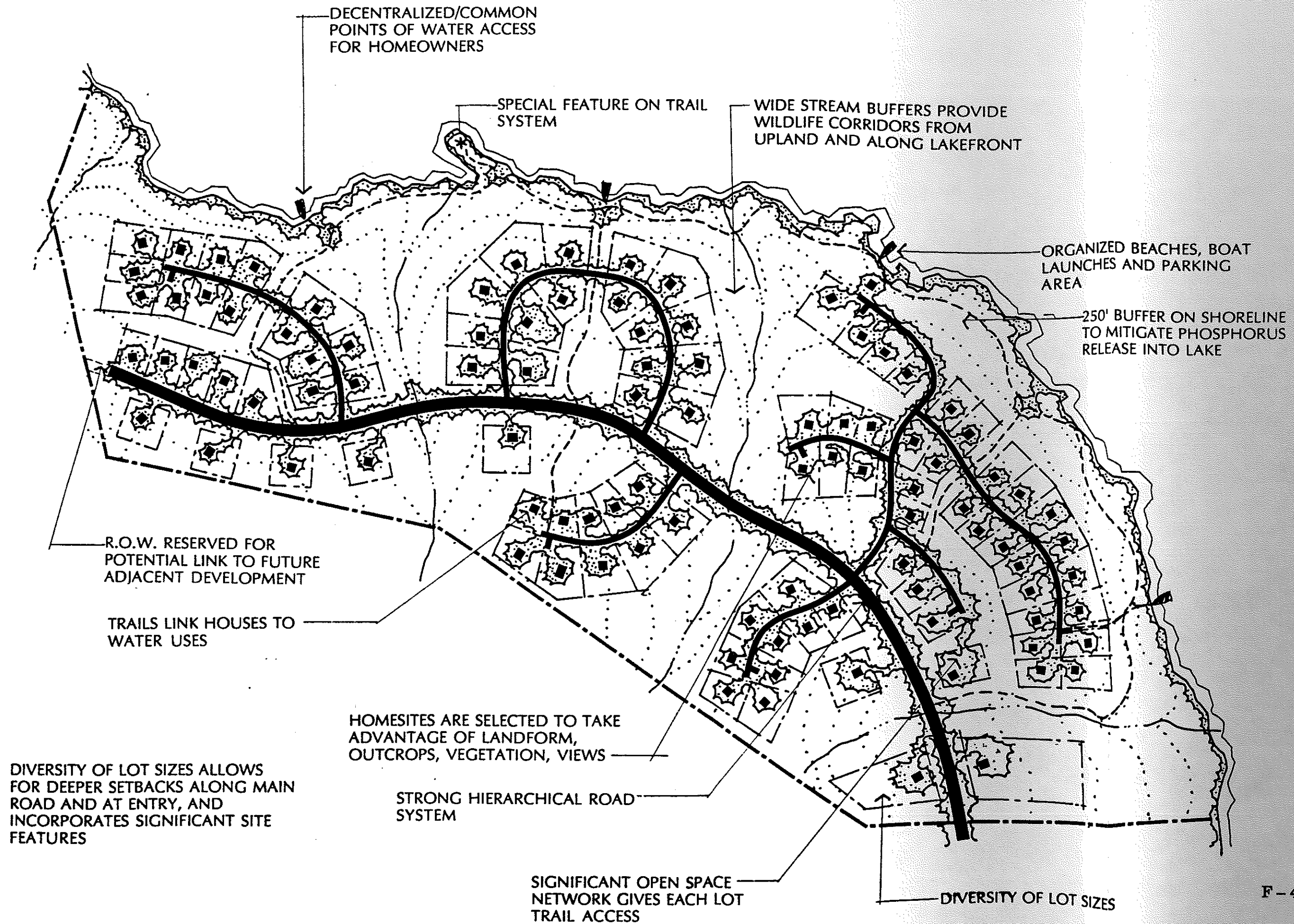
SUBDIVISION

F

Large Subdivision
on
Medium-Sized
Lake

ALTERNATIVE
DEVELOPMENT

scale: 1"=500'



CASE STUDY G

Subdivision Surrounding Small Waterbody

Development Situation:

Owners wish to develop a 1000 acre parcel to a mixture of year round homes within a few miles of a year round resort community.

Site Analysis:

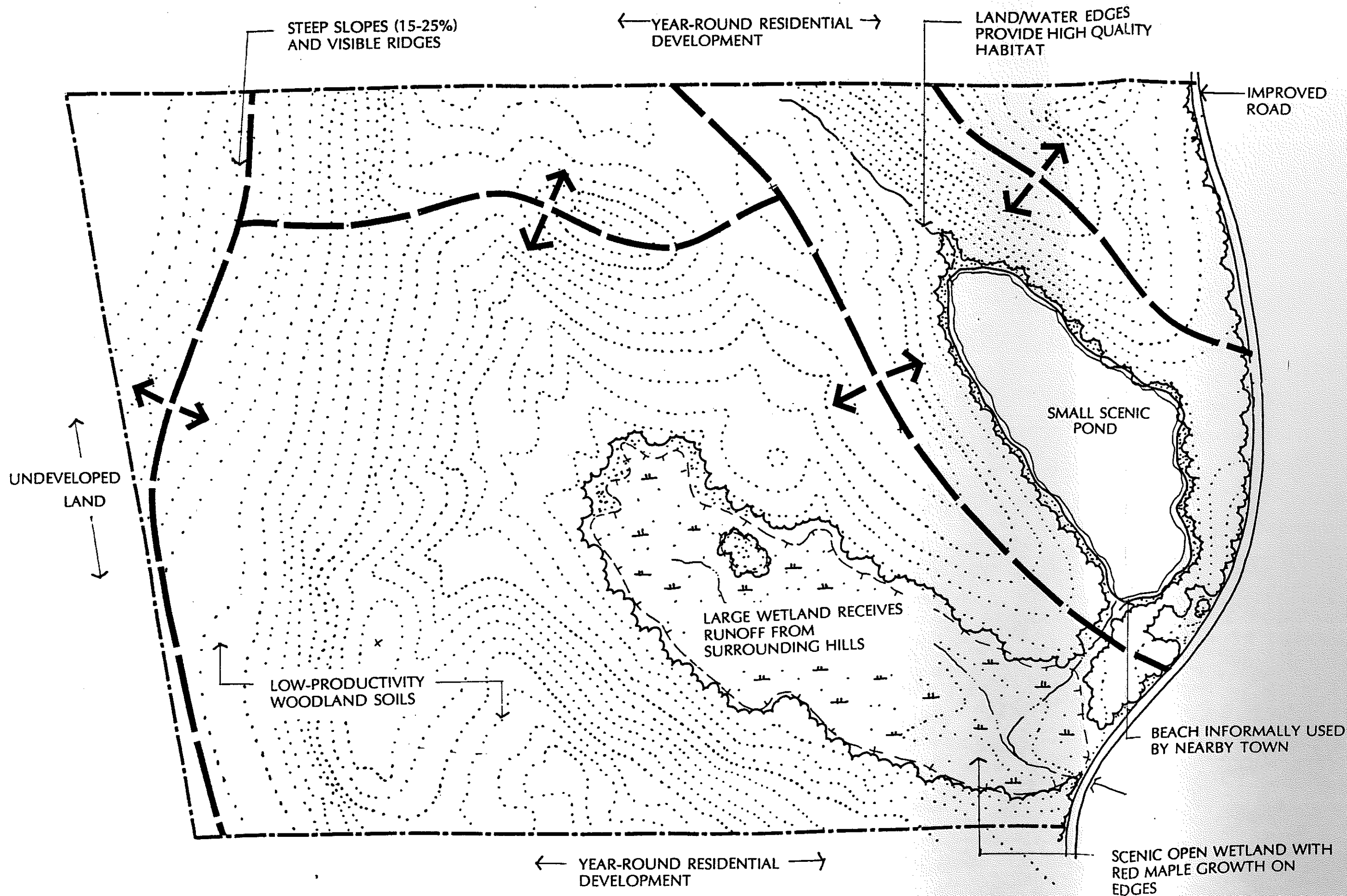
The site is undeveloped and unused except for community use of a beach on the pond. Slopes vary from 3% to over 25%. There is a large open wetland visible from the road. Being surrounded by relatively deep hillsides, both the pond and the wetland receive storm runoff rapidly without prolonged filtering and buffering. The road is rated as very scenic with views of the hills, water and swamp.

Conventional Development:

This plan locates about eighty homes on lots varying tremendously in size, from one to forty acres. If the intent of the design is to protect habitat and scenic value, varying lot sizes to recognize special circumstances and create buffers is useful but safeguards (clearing restrictions, building envelopes, etc.) are necessary to ensure the integrity of the open space. Multiple driveways on the main road negatively impact scenic values. Public access to the pond is discontinued and only the lot owners with water frontage have access to the pond. Significant development adjacent to pond and wetland can create phosphorus overload.

Alternative Development:

This alternative plan relocates lots back and away from sensitive watersheds, which protects water quality and preserves the scenic qualities of the lake. Clustering lots preserves common open space which is protected by homeowners association covenants. Trails and waterfront amenities are provided. Visual impact on the road is lessened by use of 'eyebrow' loop road, and by not developing peaks of hills for homes.



Development Case Studies

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G

Subdivision Surrounding Small Water Body

SITE ANALYSIS

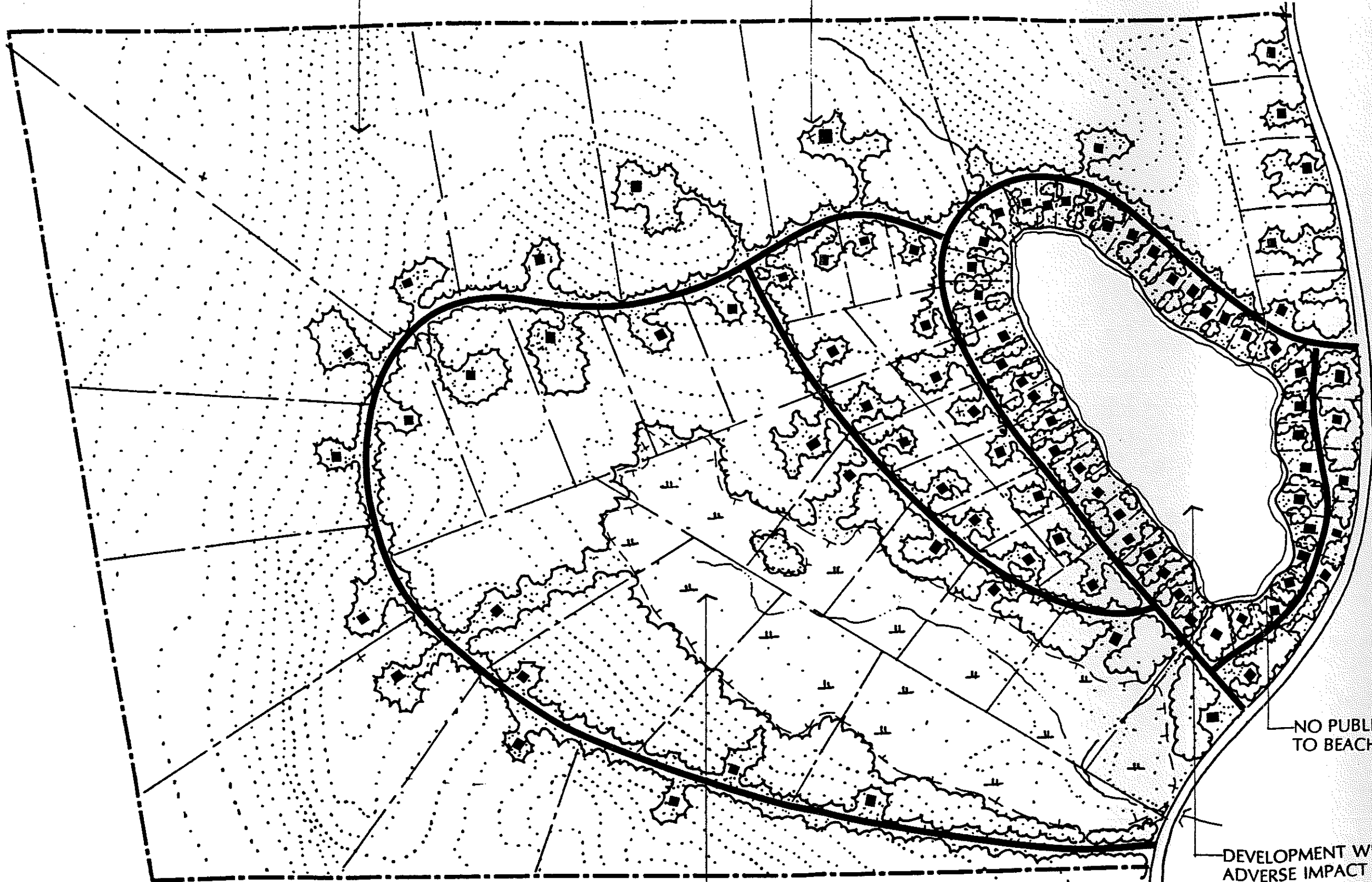
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LOT SIZES ARE VARIED (1-40 ACRES) BUT THERE IS NO OPEN SPACE OR SHARED ACCESS TO NATURAL FEATURES

LACK OF SPECIAL BUILDING ENVELOPES LEAVES BUILDING LOCATIONS UNCONTROLLED WITHIN LOT

DRIVEWAYS AND CLEARING ON ROAD FRONTAGE LOTS ALTER VISUAL QUALITY AND TRAFFIC PATTERNS



NO PUBLIC ACCESS TO BEACH OR POND

DEVELOPMENT WILL HAVE ADVERSE IMPACT ON SCENIC RESOURCE

WETLAND IS OWNED BY 8 LOTS

Development Case Studies

Market Decisions, Inc., Research and Planning,

Terrence J. DeWan & Associates, Landscape Architects

State of Maine

Department of Conservation

MAINE LAND USE REGULATION COMMISSION

SUBDIVISION

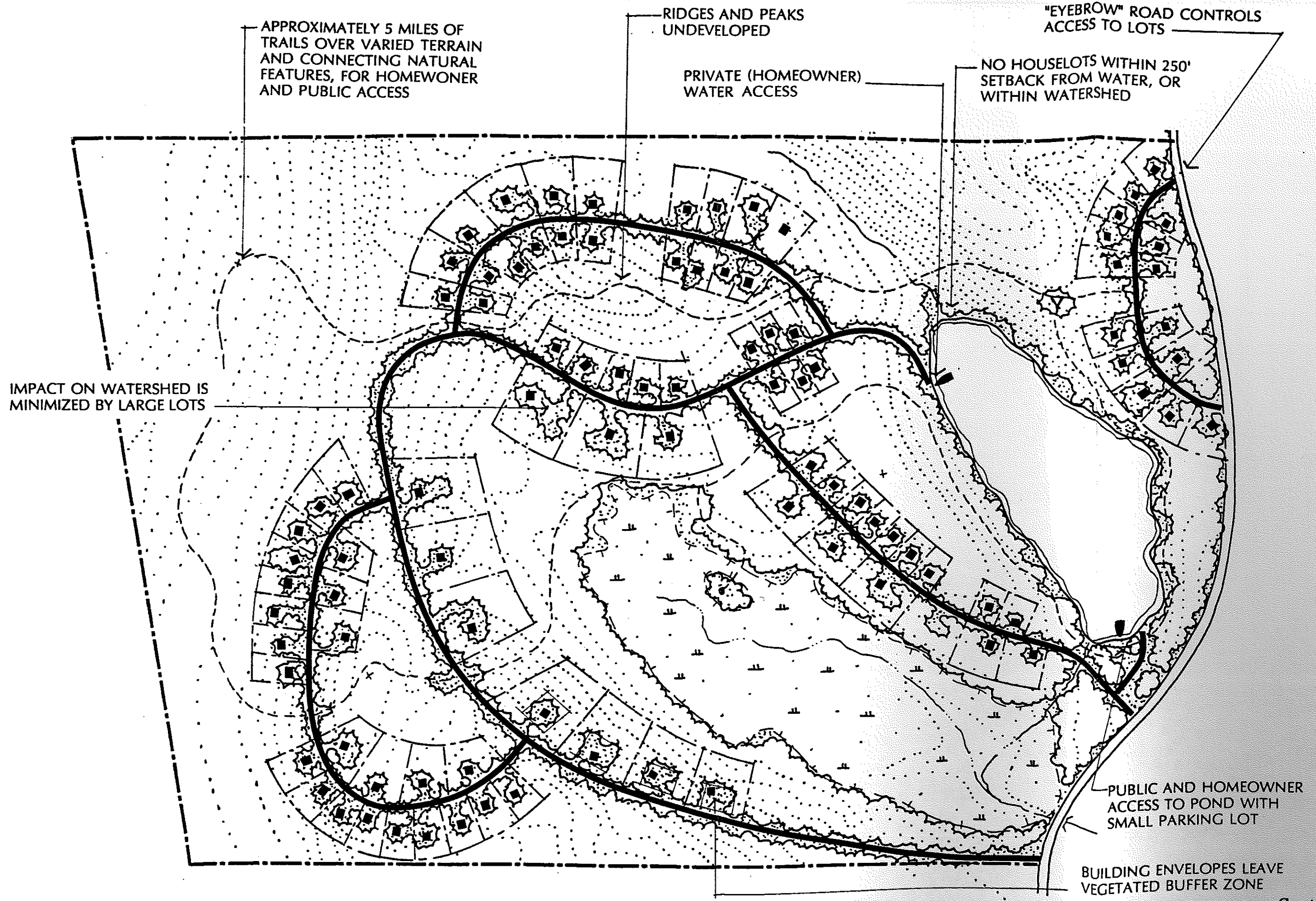
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Subdivision Surrounding Small Water Body

CONVENTIONAL DEVELOPMENT

scale: 1"=600'





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MAINE LAND USE REGULATION COMMISSION

SUBDIVISION

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Subdivision Surrounding Small Water Body

ALTERNATIVE DEVELOPMENT

scale: 1"=600'

