

The Hollis Select Board has proposed **Article #25: "Is the Town in favor of ceasing allowance of cluster housing subdivisions?"**

Article #25 would put the process in motion to remove Cluster Subdivisions from our ordinance without first discussing the pros and cons. It is not good planning.

Members of the Select Board say that a number of people, around ten, have come into their office and complained about development in town. It would be very helpful to know what these people said, and what others have to say.

Upon hearing comments, it may be decided that the *Zoning Ordinance* needs to be revised, or that the Planning Board should review applications differently. Some people also have wrong notions about cluster developments, what can or cannot be done with the Open Space; these ideas must be discussed. And it could be that these developments are being wrongly blamed for things they have nothing to do with. Then again, it could be that Cluster Subdivisions *are* poor planning and land use, and that the Town needs to stop allowing them. Or maybe leave things as they are. We need to talk about it before we propose to do away with them.

The Chair of the Planning Board has reached out to the Select Board; they rejected an invitation to address the Planning Board. They have discouraged the Planning Board from discussing the article or making a recommendation.

The public has not had a conversation with the Fire Chief, Road Commissioner, Code Officer, Conservation Commission, Comprehensive Planning Committee, Planner, Engineer, or others who work for the town; all are well-informed about planning and development. They also have to work with the repercussions. It is wrong to ask the voters to express an opinion without the benefit of hearing from those they trust to be experts on their behalf.

Threatening to get rid of a very useful planning tool (Cluster Subdivisions) is the wrong way to improve the development of our town. We have very good procedures for changing our zoning laws and regulations, and we should be following the process.

As a general principle, if you want to improve something, you don't set out to kill it. You discuss it and decide what is wrong, then improve it. The place for a concerned citizen to start would be to attend public hearings where subdivision plans are being reviewed. Participate in the process. Voice opposition and provide constructive criticism when it matters, and the Planning Board can ask developers to build better projects.

The arguments against Cluster Subdivisions presented so far are weak in comparison to the arguments in favor. There *may be* better arguments against them, which is why it is important to have a public conversation to discuss the pros and cons before citizens are asked to vote. This would be a vital service for voters seeking to be well-informed.

Article #25 sets a bad precedent for planning, and should be rejected by the voters.

WHAT IS A CLUSTER SUBDIVISION?

In a Cluster Subdivision, the lots are concentrated on the part of the property where development is most appropriate. It may be on a knoll, a level area, or on upland away from the streams and wetlands. To make this work, the lot size requirements are reduced, but the number of lots stays the same. The leftover land from making the lots smaller is combined to make one large common lot somewhere else on the property. This Common Land, the Open Space, is often the wetland, backland, or is habitat better suited for nature than for homes and yards.

Cluster Subdivision designs are widely accepted throughout Southern Maine. All the towns around us – Buxton, Standish, Waterboro, Limington, Lyman, and Dayton – allow them. In some towns it is mandatory. The idea is not new, and it has been well-tested across the country. This is a responsible way for planners to guide developments to be more harmonious with the natural environment, reduce maintenance costs, and still respect the rights of property owners.

Traditional Subdivision	Cluster Subdivision
Homes are spread throughout the entire parcel.	Development is on the most suitable location, in a neighborhood on about 1/2 to 1/4 of the land area.
Each lot must be of the minimum lot size required in the zoning district. If, say, 80,000 SF is the minimum lot size, then each new lot must be 80,000 SF.	Lots may be as small as 20,000 SF. If in a zone where 80,000 SF is the minimum lot size, the balance of that area, 60,000 SF, must be set aside in the Open Space. ¹
Parcel is divided entirely into "full sized lots." All land area is completely owned by each resident. No common Open Space. Land not used for the house, a driveway, and yard is left fragmented in back yards.	Open Space is permanently set aside as a single block owned in common by the lot owners. Majority of the parcel remains in a natural condition for wildlife habitat and recreation. Any wetland in Open Space is protected from homeowners filling or damaging the ecosystem with mowing or lawn chemicals.
Roads are long enough to reach all developed areas of the parcel. 200' to 400' of road frontage is required (depending on the zone). The road must be long enough to provide this lot frontage. Maintenance costs are significantly higher than in a Cluster Subdivision.	Typically a short internal road close to the main road. 80' of road frontage is required. Shorter roads mean less winter maintenance, and less expensive overlay and ditch maintenance costs for the town. Shorter, less expensive roads mean developers can offer more affordable housing because they don't need to pass higher development cost to buyers. Shorter roads mean less pollution; storm water runoff contains oil, phosphorous, and other pollutants that wash into wetlands and streams.
Rural towns like Hollis are subject to sprawling development.	Interior Cluster Subdivisions on private roads maintain a rural village aesthetic, which fosters community among neighbors.

WHAT ARE THE PROBLEMS?

We have only a vague idea what the Select Board's specific concerns are. There are no letters, emails, or notes from the ten or so complainants that prompted Article #25. Concerns may be specific to Cluster Subdivisions, or they may be more general issues of a rural town with development pressure.

Much of what the Select Board has said is around the general community impacts of residential growth, effects that are far more reaching than subdivision design. Our town is growing, and as it grows, we will have more roads and other burdens on the tax base. New taxpayers will help pay their way, and some say we will need to encourage commercial development to help offset the cost to the Town. Sometimes, too, favorite places like forests and fields will be subdivided with new housing, which can be upsetting. There are many more effects of growth, difficult problems to deal with, and frustrations. *These things are not caused by Cluster Subdivisions.*

Below are some facts that may help clear up some misconceptions surrounding Cluster Subdivisions.

There is no longer "bonus lot". Some still believe that in a Cluster Subdivision, developers can increase the number of allowed lots. It is true that in older Zoning Ordinances, a density bonus was allowed. Without going into the history, this was changed and now the allowed density, the number of lots, is no more than would be allowed under a standard full sized lot subdivision development.

Open Space is permanently protected. Some believe that the Open Space set aside could be developed in the future. However, every approved project has Conditions of Approval, permanent legally binding requirements. These recorded restrictions prevent development of the Open Space. Neither the residents in the subdivision, nor future Planning Boards, can overturn these restrictions. The Open Space land is forever encumbered against development.

¹ In a 120,000 SF zone, the minimum lot size in a cluster subdivision is 40,000 SF.

Open space is private property. Some say that because Open Space is not open to the public, it is not “common”, that this is a flaw with Cluster Subdivisions.² But private ownership of the Open Space is no different from any other private property ownership: the owners maintain posting and access rights. The goal of setting aside common land is primarily for natural habitat and the owners’ enjoyment, as is any privately owned land. The Town cannot confiscate the Open Space for public use, though we do have examples of where public trails and other access rights have been secured as part of the negotiated Planning Board approval process.

Homes are not allowed to be “clustered” along an existing town road. It is unfortunate for the cause of cluster developments that two prominent examples serve as reminders of bad design. These are Clark Farm Estates on the south end of Mansion Road along Deerwander Road, and Warren Farm Estates along Sarah Vaughn Road and Route 202. These early designs mistakenly used the frontage of existing public roads and placed all of the homes “clustered” along those roads. *The Planning Board has long since eliminated this option of clustering along existing Town roads.*

There is a constant need to improve the ordinances and planning process. We cannot throw out a good planning tool just because mistakes were made in the past; we learn and do better next time. This is why a community conversation is vital with any initiative to change zoning.

CONCLUSION

Community development, planning, and zoning are very complicated. If we want to change something, we need to talk about it and debate it as part of the process. We need the input of the public, and from the professionals who work on behalf of the Town. Only then can we understand the problems we face, how to solve them, and far reaching impacts of changing our ordinances.

Article #25 was put on the warrant without public discussion. It undermines the planning process and should be rejected by the voters.

By unanimous vote, the Hollis Planning Board recommends a “No” vote on Article #25.

² There are provisions to dedicate Open Space to the Town or conservation groups, but this has never been done in Hollis.