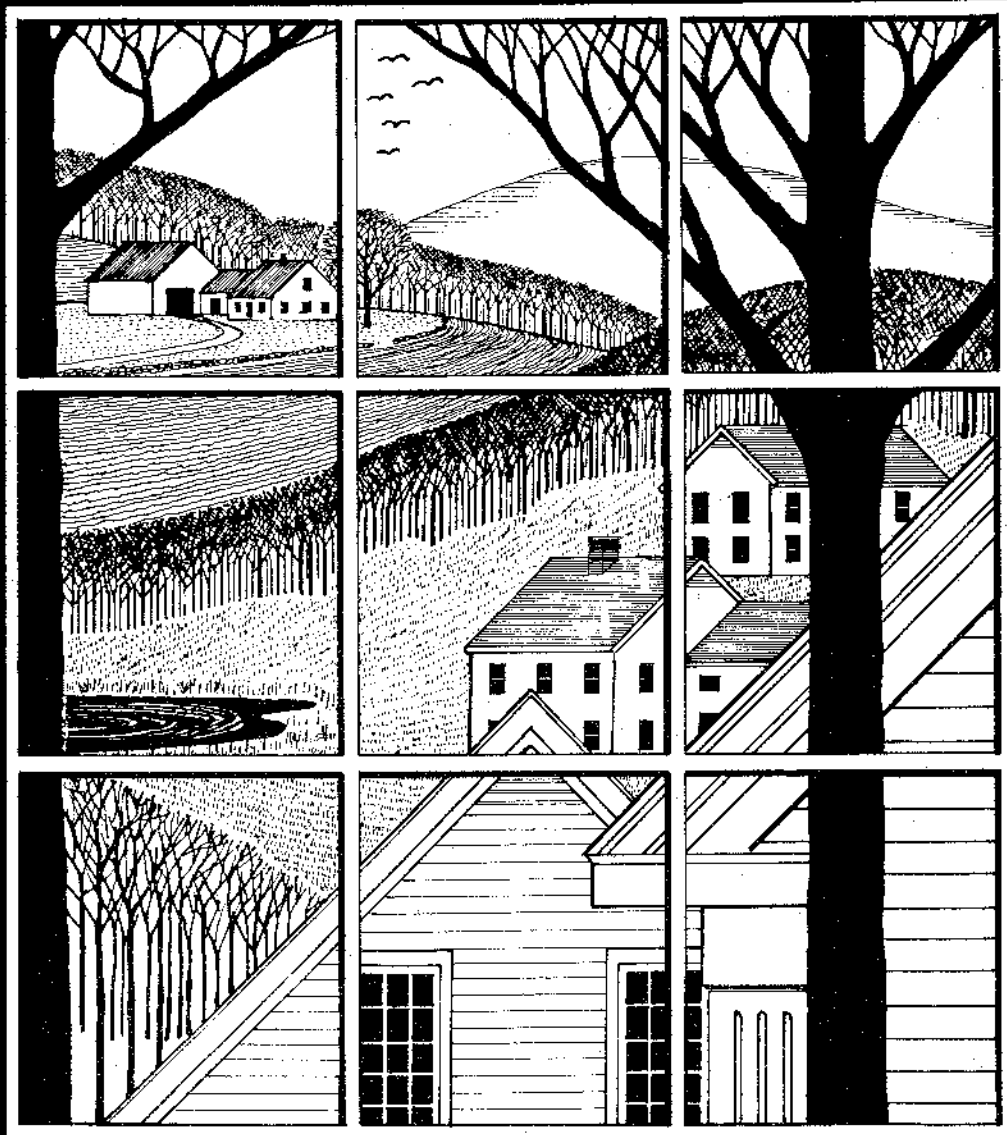


Green Development

Balancing Development
with Conservation



The Mainewatch Institute

Green Development

Balancing Development with Conservation: Nine Case Studies of Rural Subdivisions

Acknowledgements

This publication is the product of a project supported by the Mainewatch Institute. This handbook is based, in part, on research and interviews conducted by Bruce Jacobson of Landscape Conservation, and Sam Coplon of Coplon Associates, both of Bar Harbor. The handbook itself was conceived, designed and developed by Alison Truesdale and Brian Kent of Maine Tomorrow; they also conducted further research, wrote the text, and produced the site plans. The illustrations were generously provided by Walter Cudnohufsky; they are from a handbook he and Molly Babize authored, titled "Designing Your Corner of Vermont". Typesetting was by Regina Coppens of Eastern Laser Printing, Belgrade, Maine. The cover illustration was drawn by Brian Kent. The handbook was printed by Hallowell Printing Co., Hallowell, Maine.

Diana Scully, Mainewatch Vice Chair, acted as project administrator. Helen Ginder, Esq., Mainewatch Board Member, Theo Holtwijk of Portland, Jay Espy, of Maine Coast Heritage Trust, Jym St. Pierre of Kennebec Land Trust, Jerry Bley of Creative Conservation, Readfield, Walter Cudnohufsky of Conway, Massachusetts, and Josie Quintrell of the State Planning Office, served as advisors and reviewers of this publication.

Funding for this project was provided, in part, by The Island Foundation, Inc., Richard Rockefeller, The Sprague Foundation, The Maine Community Foundation, The McCue Family Fund, and Maine Tomorrow. Typesetting costs were supported by Stevens, Morton, Rose, and Thompson (SMRT) of Portland, Maine.

Finally, credit is due to those individuals involved in the development projects profiled here as case studies. Many of them have generously shared their thoughts and experiences with us.

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Introduction

The Purpose of This Handbook

The purpose of this handbook is to show, by example, how attractive and profitable residential subdivision development can be achieved in rural areas while helping to conserve open space in the community. This handbook shows how people can work together to balance private profits with public benefits by being good stewards of the land.

Background

For centuries, Americans have been subdividing land. The results of this subdivision process are recorded, on paper, as town tax maps.

In our communities, the constant subdivision of land and its subsequent development define the built environment. Towns, villages, suburbs, and rural areas are characterized by how we subdivide land.

Clearly, how we subdivide land dictates what our communities look like. A creatively designed development that conserves natural resources, retains undeveloped open space, and meets local goals benefits not only the property owner, but the community at large. A poorly designed development is often an eyesore. Cumulatively, ill-conceived subdivisions result in a loss of rural character and the slow suburbanization of the countryside.

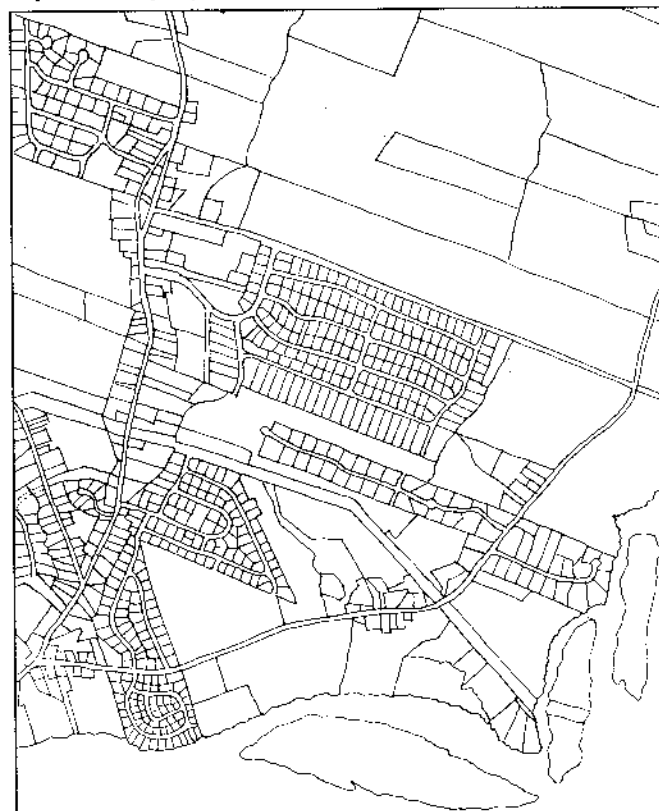
The projects featured here blend with their surroundings and make efficient use of soils, water, roads, and other resources. But, more importantly, these projects ensure that some undeveloped open space will be protected for future generations.

We urgently need a new vision of what rural subdivisions can be. Our farms, woodlands and shorelines will be consumed by development unless we work to consciously set aside, and legally protect, the landscape. It is that simple.

The cumulative effect of land subdivision: Topsham, Maine in 1961 and 1991. Unplanned, uncreative subdivision results in a loss of rural character and a lack of open space.



Topsham: Property lines, 1961



Topsham: Property lines, 1991

What's in a Name?

The type of development that this handbook describes has been called "green," "limited," "creative," "appropriate," "balanced," "open space," "sustainable," and "responsible" development. These are all terms that attempt to summarize a fairly simple concept in too few words. The terms are used interchangeably here.

The point is that rural land in Maine and throughout New England can be subdivided and developed in imaginative ways that result in profits for the developer, attractive house sites, and the conservation of the natural landscape. Where development is appropriate, it should include, rather than preclude, the preservation of rural character.

Community Context

Every subdivision occurs within a community that has its own special qualities. Small town character has many components: woods, fields, lakes, streams, valleys, and perhaps a spectacular hill-top view. The townspeople and the environment they have built for themselves are just as important as the natural landscape. Farms, historic buildings, a certain narrow, winding road, stone walls, or an elderly lady who has spent her entire life in one house can give a town its own personality. Subdivisions cannot help but bring change; but at the very least, those involved in the development process should consider the impacts change will have on the community.

- Recognize that development is but one of several ways to manage land and that, like other tools such as conservation, is only appropriate for certain sites. Make sure that the management tool is suited to the parcel.
- See if the town has a comprehensive plan. Such plans are statements of the community's vision of the future. They: designate areas where development is encouraged and areas where it is prohibited such as flood zones, wet areas, or archaeological sites; identify open space suitable for purchase and permanent protection; and establish strategies to support and

sustain valued resources such as farms, forestland, and affordable and elderly housing.

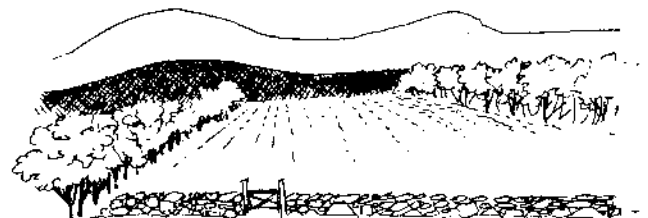
- Once it is clear a proposed subdivision or development fits in with the surrounding community, make sure it is designed to fit into the natural environment. Respect the natural features of the site. Imagine how adjacent parcels may be developed and where adjacent open space areas may complement those within the subdivision. In rural areas, avoid stringing house lots and driveways along existing public roads, and keep the overall density of housing low.

Once subdivision lines are drawn or endorsed, they will ultimately leave an indelible mark on the landscape. It's the responsibility of all participants in the development process to ensure that they are proud of, and can live with, the legacy they leave.

How This Handbook is Organized

This handbook contains three major sections:

- I The first section describes the general principles on which successful limited development projects are based and the people involved.
- II The second section contains descriptions of nine case studies that balance residential development goals with conservation goals.
- III The third section reports on the lessons that can be learned from the featured projects. It also provides information on how to find out more about balanced development.



I. General Principles

The Hallmarks of Good Development

The case studies in this book were selected because they successfully achieve laudable goals. They contain ideas that can be replicated in new projects and, equally important, they have met the requirements of local regulators, the community, and lenders. In short, they work. They sit lightly on the land, respect local values, and meet local expectations.

The projects featured here range from simple subdivisions to more complex developments, but they have all been designed to:

- Fit within the context of their surroundings (for example, the lot sizes are appropriate for the area and will help maintain the rural character of the community).
- Meet the requirements of state and municipal land use regulations.
- Conserve natural resources.
- Result in some tangible "public good" (while providing a reasonable profit to the landowner and/or developer).
- Respond to public concerns regarding, for example, the preservation of a view or prime farmland.
- Complement the character of the neighborhood, recognizing community needs for affordable housing, shoreland preservation, or keeping woods and fields in productive use.
- Incorporate good planning principles such as: clustering lots so as to provide generous common open space; minimizing the number of driveways on public roads; building on the most suitable sites; and minimizing the visual impact of the subdivision by using generous setbacks and trees and shrubs as "buffers."
- Balance conservation and development goals; the developers of these projects have not sought to maximize the number of lots on their property; instead they have limited development to ensure valued resources are conserved, and they have developed only enough land to make a reasonable return on their investment.



Public Good

"Public good" can include: setting aside land for conservation; preserving wildlife habitat; conserving agricultural land or a special view; building affordable housing; or permitting public ac-

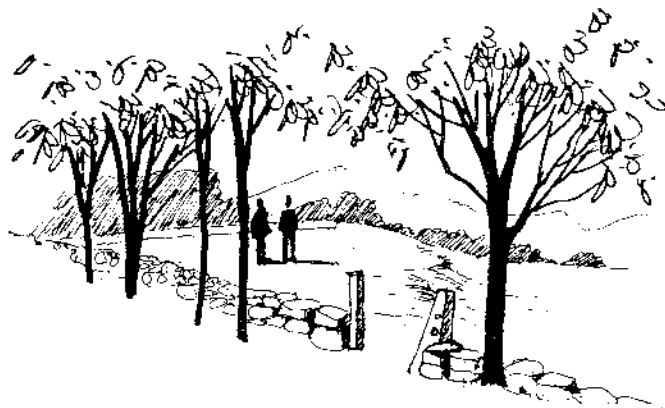
cess to private land; it means going beyond regulatory requirements (such as shoreland zoning ordinances) to conserve the character and natural resources of a site.

I. GENERAL PRINCIPLES

The Advantages of Open Space Development

Open space or cluster development is one of the primary tools used in several of the case studies that follow. It helps:

- Developers, who save on site development costs (e.g. road construction, clearing, and utility costs).
- Home buyers, who obtain a better resale value compared to homes in a standard subdivision.
- The local community which stands to gain protected open space.
- The municipality, which may benefit from higher property taxes.



Uncreative Development

What is a poorly designed subdivision? Use this score card to find out. If you end up with three or more "yes" answers, it is advisable to go back to the drawing board.

	Yes	No
1. The majority of lots have driveways off an existing public road.	<input type="checkbox"/>	<input type="checkbox"/>
2. Interesting features, such as stone walls, a line or stand of mature trees, or a field will be lost.	<input type="checkbox"/>	<input type="checkbox"/>
3. An attractive view or viewpoint will no longer be available for public enjoyment.	<input type="checkbox"/>	<input type="checkbox"/>
4. A professional planner or landscape architect has not been involved in the lot layout.	<input type="checkbox"/>	<input type="checkbox"/>
5. The project (if in a rural area) creates many lots without the provision of reserved open space.	<input type="checkbox"/>	<input type="checkbox"/>
6. The project takes prime agriculture soils permanently out of farm production.	<input type="checkbox"/>	<input type="checkbox"/>
7. Little effort has been made to screen new house sites from view or make them blend with their surroundings.	<input type="checkbox"/>	<input type="checkbox"/>
8. The project ignores reasonable concerns expressed by neighboring property owners.	<input type="checkbox"/>	<input type="checkbox"/>
9. Opportunities to conserve special natural resources on the site have not been taken.	<input type="checkbox"/>	<input type="checkbox"/>

Why Open Space Development Makes Economic Sense

Two recent studies that compared conventional subdivisions with well planned, cluster-type projects found that the cluster approach saved the developer money and resulted in a better return on investment for the buyers.

Sanford Goodkin's study* for the National Association of Homebuilders compared costs associated with site development (clearing, grading, paving, drainage, landscaping, etc.) for a conventional plan and a cluster plan. His conclusion? The cluster approach cost 34% less.

Jeff Lacy's examination* of market appreciation rates for conventional housing development versus clustered housing with permanently protected open space showed that the latter appreciated faster. In other words, buyers who purchased homes in "open space" developments made a better investment; their homes built up equity more quickly. In one case study, the difference in appreciated value was 12.7% over 21 years; in another study the difference was 26% over 8 years.

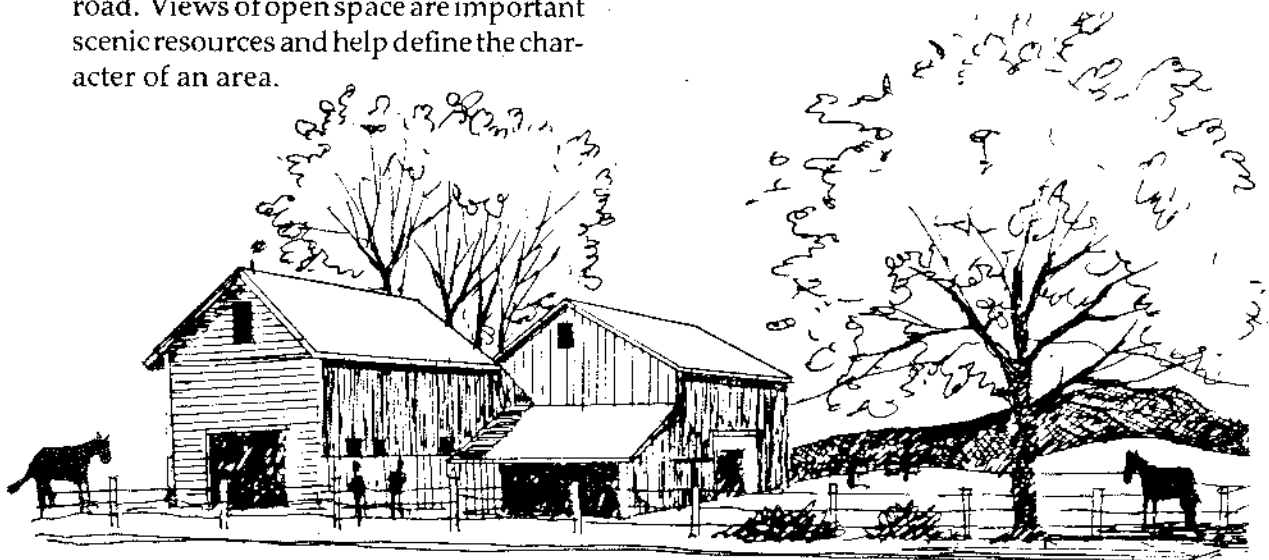
** See "For More Information."*

The Value of Farmland

Every community should strive to support working farms; they are vital to the local economy and an essential part of any rural town. Crop-lands and pastures are especially valuable; even fields that are no longer used as pasture or crop-land are still valuable assets to communities.

- First, they represent years of labor by the farmer to clear the land, remove stumps and stones, and improve the soil. Farmland is a part of our heritage.
- Second, fields provide vistas from the road. Views of open space are important scenic resources and help define the character of an area.

- Third, field edges and abandoned farmland becomes wildlife habitat for deer, foxes, woodcock, and other animals.
- Finally, abandoned farmland can always be brought back into production for food, hay, or pasture. This handbook describes many of the tools available to keep farmland an integral part of your town.



I. GENERAL PRINCIPLES

Who Makes Good Development Happen?

The projects featured here have been successful, in part, because individuals with foresight and understanding have worked together to bring them to fruition. The participants in the planning-financing-development process are many.

There are those who are regulated — the landowner or developer and his or her associates and advisors (lawyer, banker, surveyor, landscape architect, etc.); then there are the regulators — the local or state officials given the responsibility to evaluate the proposed development and judge whether or not it makes a positive contribution to the community and/or needs to be changed or improved. In between, are various public interest groups and individuals such as land trusts, affordable housing groups, local citizens, and neighbors.

The projects featured here have gained support from all sides because they met or surpassed community standards. The originators of each plan had a vision that helped coalesce support, and because the developers sought to involve conservationists and local officials early on in the process, endorsements followed.

Obviously, the major share of responsibility for seeing a limited development project through the design and review process rests with the project developer. It is clear, though, that when the other participants learn of the public benefits associated with a particular limited development (and perhaps make positive suggestions to improve it), everyone can gain and an historically adversarial process can become one of cooperation.

Keeping Open Space Open

The open space that is conserved in a creative development project can be protected, in most cases permanently, in a variety of ways. The land can be:

- Given to the municipality with restrictions on development;
- Given, with deed restrictions, to a homeowners' association (this is not necessarily a permanent mode of protection;)
- Deeded to a homeowners' association with a land trust or government agency holding the conservation easements;
- Sold or retained by the owner, who has sold or donated the development rights through a conservation easement or other mechanism (in this case it may be advantageous to have another party, or parties, involved to ensure the restrictions are monitored and upheld;)
- Sold to a land trust that subdivides and sells the land but sells and/or retains some or all of the development rights;
- Sold or donated outright to a land trust or conservation organization that will protect it.

For more information see
case study number:

1

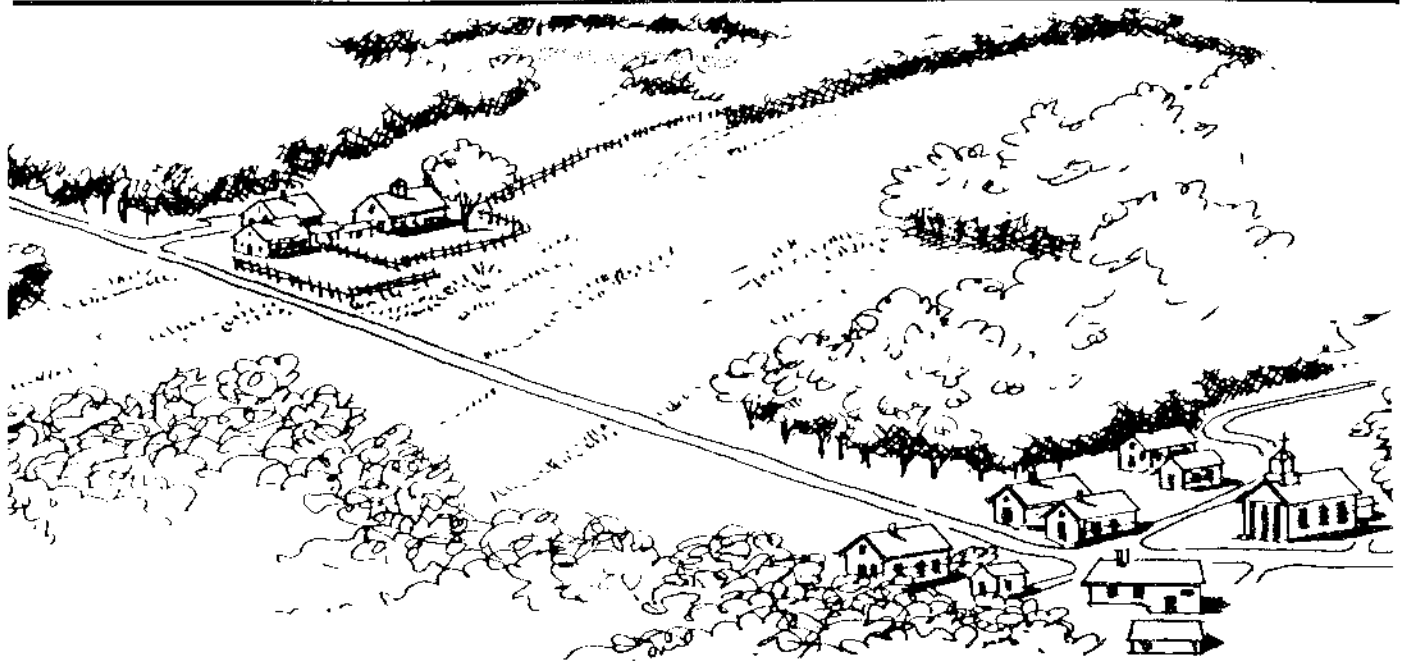
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Creative Development Participants

Participants	Responsibilities*
Property owner	Provides land; defines objectives; works with development specialists
Developer	Helps refine vision; evaluates costs and directs consultants
Planner/Designer	Designs the layout to fit the vision; develops preliminary and final site plans
Surveyor/Engineer	Provides technical expertise regarding boundaries, soils, etc.
Lawyer	Provides legal expertise; reviews deeds; writes easement language
Banker/Lender	Provides financing
Land Trust	Advises and holds interests in land for long term conservation
Housing Group	May initiate project, act as support group and/or help finance project
Comprehensive Plan Committee	Writes policies and strategies to encourage creative development, promote affordable housing, and conserve open space
Municipal Planner	Assists in writing Comprehensive Plan and reviews and evaluates proposed projects
Planning Board	Administers ordinances and technical standards that encourage creative development; reviews, comments on, and approves proposals

**NOTE: This is a generalized list of responsibilities. The number of participants and their specific responsibilities will vary from project to project.*

II. The Case Studies

Introduction

The case studies described on the following pages are of subdivisions and developments in northern New England. They represent a range of parcel sizes, housing densities, and site localities and provide the reader with a variety of examples. The case studies are not featured here as "ideal" subdivisions and developments. Depending on one's point of view, shortcomings can probably be found with all of them. Each project illustrates the developer's unique response to the physical con-

straints of the site as well as to his or her own aesthetic, social, environmental, and financial concerns. The projects are presented here in as much detail as possible so that those who share the developers' interests can learn from their experiences.

The table below provides an overview of the differences and similarities between the case studies. The projects themselves are presented in order of their gross densities, from the most to least dense.

A Comparison of Project Characteristics

Project Name	Location	Size in (Acres)	Number of Lots	Gross Density (ac/du)*	Characteristics
1. Common at Cumberland	Cumberland, Maine	27.2	20	1.4	Village/medium density
2. Crabapple Creek	Bremen, Maine	19.4	13	1.5	Rural/medium density
3. Kentwood Shores	Readfield, Maine	19.5	9	2.2	Lakeside/medium-low density
4. Rum Ridge	Greenville, Maine	300.0	95	3.2	Lakeside/low density
5. Larrabee Farm	Brunswick, Maine	54.0	15	3.6	Rural/low density
6. Alewife Farms	Kennebunk, Maine	95.0	20	4.8	Rural/low density
7. Caterpillar Hill	Sedgwick, Maine	125.0	10	12.6	Rural/very low density
8. Brassknocker Farm	E. Craftsbury, VT	772.0	13	24.1	Rural/very low density
9. Loomis Farm	Ashfield, MA	461.0	10	41.0	Rural/very low density







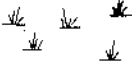







* The Gross Density is the total project size divided by the maximum number of dwellings that can be built, expressed as acres per dwelling unit (ac/du).

Understanding the Case Study Plans

A site plan illustrates each case study featured on the following pages. The site plans are drawn to different scales because of the varying sizes of the projects, but the legend for each plan is the same, for ease of comparison. To help the reader get a sense of scale, a football field (360' x 160') and a typical (25' x 40') house plan are shown next to the graphic scale of each site plan.

The green tones on the site plans show the extent of conservation achieved. These areas will never be developed but may be managed or used for recreation. To learn more about the tools that were used to conserve and protect open space, refer to the specifics of each case study and to Section III.

Master Legend

Site Plan Symbol	Feature	Comment
	Football field	Shown to provide sense of scale
	Typical house	Shown to provide sense of scale
	Roads	Actual public and private roads (not rights-of-way)
	Lot lines	The boundaries of all the lots within the subdivided property
	Streams	Year-round streams
	Ponds	Ponds, lakes
	Wetlands	Soils and wet areas unsuitable for development
	Woodland	Private woods with management and/or land use restrictions
	Woodland	Woods held in common or by conservation organization, protected by conservation easements
	Field/open	Private fields and open space, no development permitted
	Field/open	Fields and open space held in common or by conservation organization, with uses restricted by conservation easements
	Existing building	Structures on or adjacent to the building project site
	Building envelope	Area within which any building must be sited
	Buffer strip	A landscaped or natural area used to protect adjacent land visually or ecologically

The Common at Cumberland

*A Cluster of homes around a Village Common
provides benefits to the developer, homeowners and the town.*

Summary:

This project succeeded because the owner/developer, the project designers, and the Town officials worked together from the outset. Cumberland's ordinances encourage cluster design, and contract zoning provided a density bonus in the Town's "growth" area. The developer gained 5 bonus lots and community support by setting aside a small pond, a "Common" around which most of the house sites are clustered, and land for civic use. In return for these public benefits, the Town was willing to increase the housing density, modify the sideline setbacks, and reduce road and sidewalk width requirements.

Profile:

Location: Cumberland, Maine

Property Size: 27.2 acres

Development: 20 lots ranging from 1/2 to 1-1/4 acres for single family homes

Land in Conservation: 7.1 acres (26% of the property) plus a 4.4 acre lot dedicated to civic use

Potential Build-out: 15 lots, each about 1+ acres, with little open space

Conservation Tools: gift of "The Common," "civic lot," and open space to the Town

Site Characteristics: abandoned farmland in village center; municipal offices and new condominiums across the road; public sewer and water already available

Gross Density: 1 dwelling/1.4 acres

Net Density: 1 dwelling/0.7 acre

Developers: Ginn-Marvin Real Estate and R & E Associates, Inc.

Designers and Engineers: Stevens, Morton, Rose, and Thompson (SMRT), Portland, Maine

Goals:

- Provide 20 marketable single family lots.
- Conserve and protect the existing pond.
- Create a village "common."
- Set aside space for future civic use.
- Provide access to the lots off local streets, so the lots don't have driveways on the busy, public street.
- Establish standards to govern house setbacks.
- Allow public use of the open space.

Participants:

When Mr. Wellman, the developer, first approached SMRT to develop a plan, the Town was on the verge of enacting a subdivision moratorium as it was about to update its comprehensive plan and zoning ordinance. When the moratorium was lifted, the Town had adopted "cluster" and "contract zoning" ordinances. The project was the first to take

advantage of the new rules. Mr. Wellman also learned from the Town planner that the Town was looking for land in the vicinity for public use. The plan SMRT developed skillfully incorporates the project goals into a thoughtful design.

Financing:

Planning, design, and development costs were financed privately. On such a small parcel, the cluster provision did not result in any infrastructure savings for the developer; the length of roads and utility installation costs ended up being the same despite the clustering. Some savings were realized by the reduction of the road and sidewalk widths which the Town granted. The principal financial benefit to the developer was the bonus of five extra lots granted by the Town Council. The resulting design, in particular the open space, make the lots more attractive, valuable, and marketable to buyers.

Open Space Management:

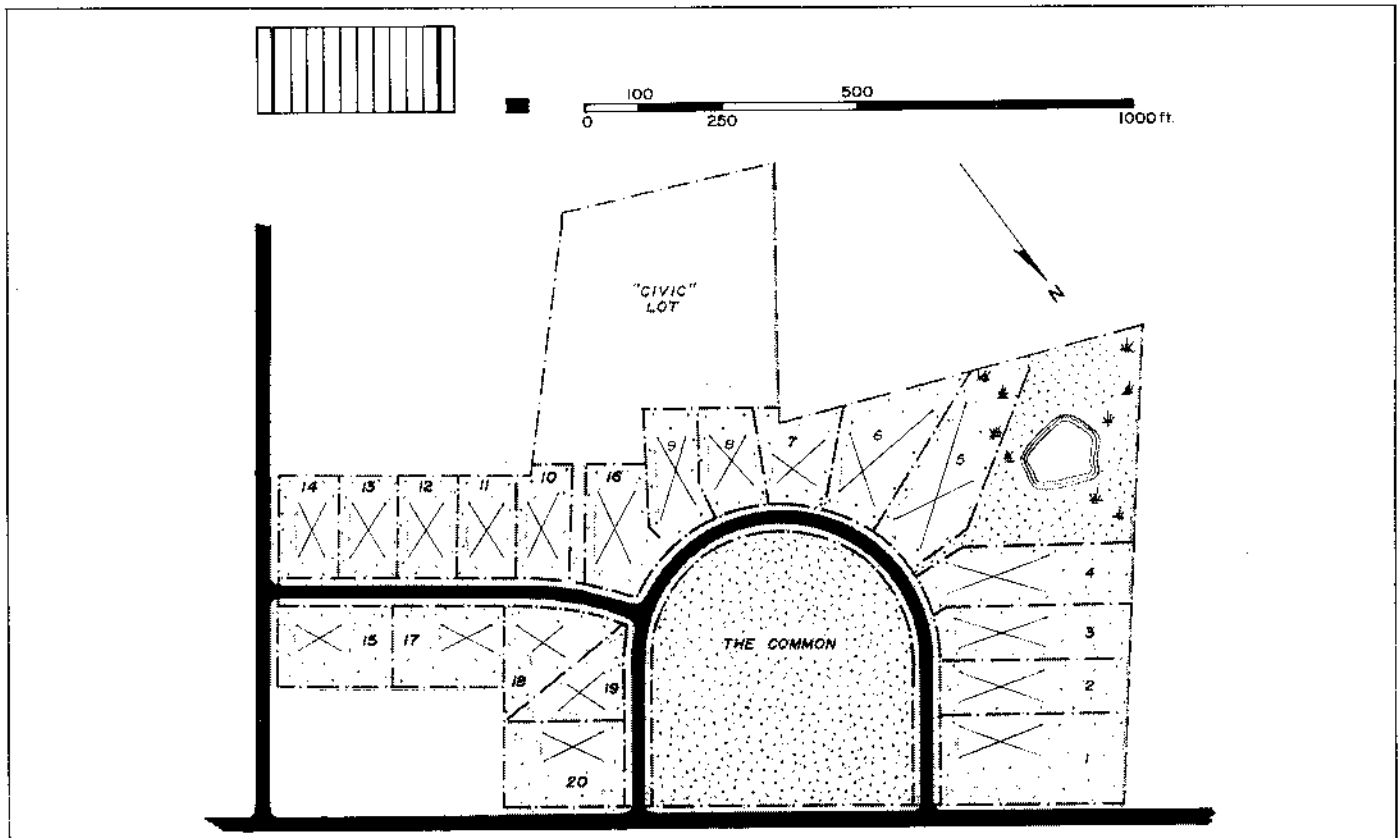
The Common, pond, and civic lot are deeded to the Town. The civic lot may be developed for any purpose. The Town has made the Common a public park, and designated the pond and open space a conservation area with public access. In addition, there will be a "greenway path" across the civic lot for pedestrian use. The Town is responsible for all maintenance on the land it now owns.

Reasons for Success:

"The Common" obtained Planning Board and Town Council approval and had the support of the community because the developer and his consultants offered to work with the Town, utilized the cluster and contract zoning provisions, kept neighbors informed, and created a design that recognizes the value of the traditional village common. The developer now stands to make a reasonable profit while the Town and the community gain from the open space provided.

Lessons Learned:

Mr. Wellman found banks unwilling to finance development (presumably because of the downturn in the real estate market). At the same time, towns are requiring that more money be spent "up front." This trend, in Mr. Wellman's view, may force more small and mid-size developers out of business unless they can obtain substantial funding from private sources. If the commercial money market is left only to larger corporations, he believes it will be less likely that towns will see small, creative subdivisions in the future.



Crabapple Creek

*A coalition of dedicated community leaders
and businesses and a generous landowner help
bring affordable housing to Bremen.*

Summary:

This 19.4 acre site in Bremen, Maine has been developed for very low- to moderate-income homebuyers. The remarkable aspect of this project is that, while it provides housing for first-time homebuyers and retirees on fixed incomes, it also provides them with over ten acres of commonly owned land for their personal enjoyment.

Profile:

Location: Bremen, Maine

Property Size: 19.4 acres

Development: 13 very low- to moderate-income, single-family homes

Land in Conservation: 10.7 acres (55%)

Conservation Tools: protective covenants

Site Characteristics: old farmland, fields, and woods in a rural area ten minutes from Damariscotta and Waldoboro

Gross Density: 1 dwelling/1.5 acres

Net Density: 1 dwelling/.45 acres

Developer: LincFund, a subcommittee of the Community Housing Improvement Project (CHIP)

Concept Design: Maine Tomorrow, Hallowell, Maine

Engineering: Maine Coast Surveying, Damariscotta, Maine

Goals:

- Provide affordable housing to local people.
- Make sure the housing remains affordable over the long-term.
- Set aside the open fields as common space.
- Provide additional, wooded, common areas for use by the homeowners.
- Retain the old stone walls as lot boundaries.

Participants:

The land was donated by a Bremen resident to CHIP, Inc. The project was spearheaded by James B. Hatch (Housing Consultant) and Peter Knauss (Project Manager) under the direction of the CHIP Board of Directors. Legal services were donated by Bambi Jones, Esq.

Financing:

In addition to the land and legal services being donated, this development received funding from the Maine Housing Enterprise (MHE), the Maine State Housing Authority (MSHA), the Diocesan Human Relations Services, CHIP, and the Federal Home Loan Board. MSHA, CHIP, and MHE also donated technical help.

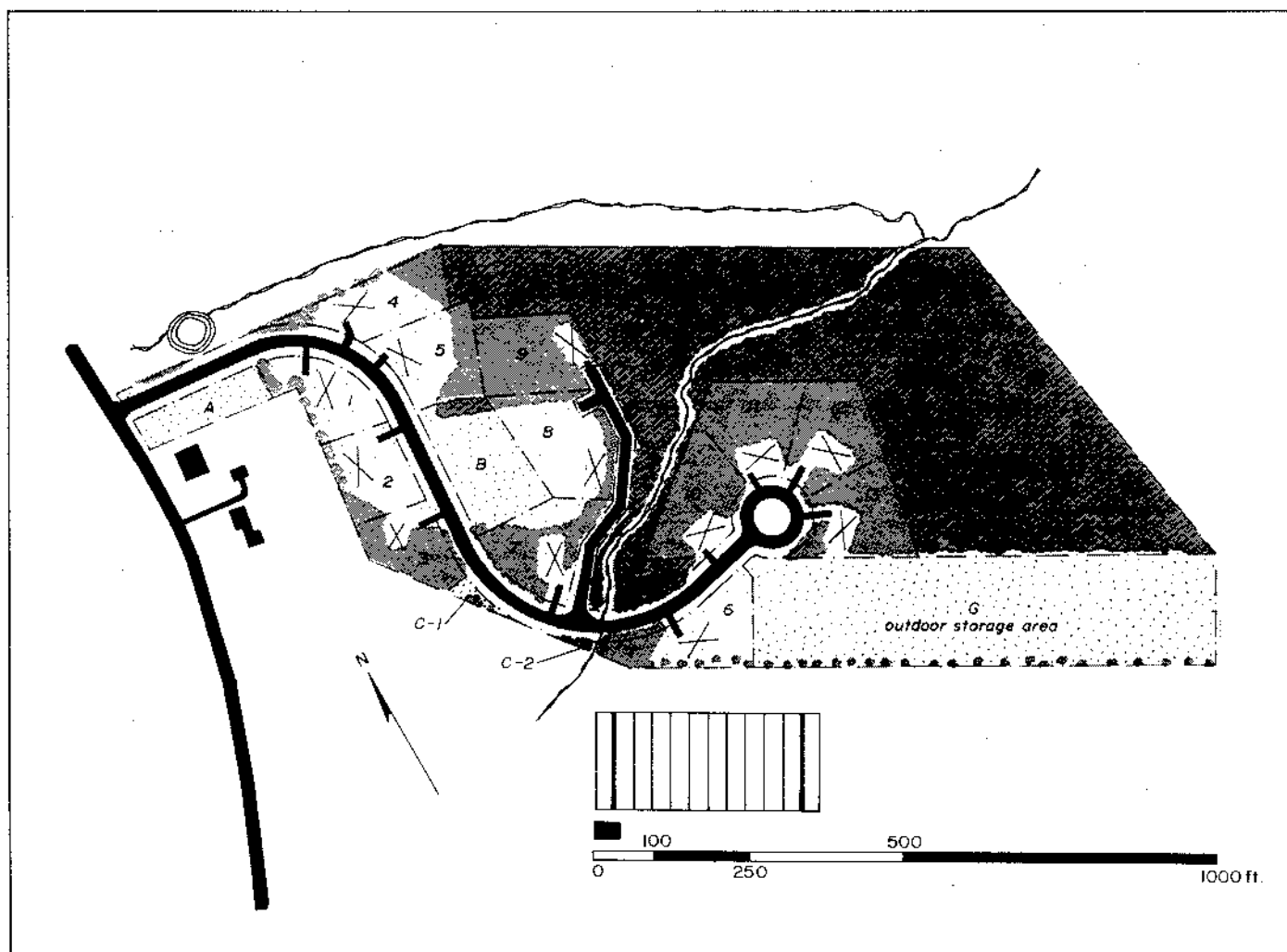
The MSHA is making mortgages available at 5% and 7.75% interest for qualified buyers. Since some of the houses sell for less than 70% of the

nominal selling price or the appraised value (whichever is lower), CHIP may offer a second deferred mortgage with a MSHA first mortgage so that no downpayment or mortgage insurance is required. Additionally, CHIP/LincFund has established a \$25,000 fund to help very low- and low-income applicants with otherwise marginal financing. Grants of up to \$1,500 and deferred loans of up to \$6,500 may help with downpayments, closing costs, or as mortgage buydowns when permitted by the underwriting guidelines. When the homeowners wish to sell their homes they will be allowed to make a fair profit. Sale price limits will be set according to a formula which accounts for prevailing real estate prices and median income figures at the time of sale.

Open Space Management:

The Homeowners' Association is responsible for the maintenance of the Common Areas. All costs associated with upkeep, insurance, and taxes on those lots are shared equally among the members. Areas E and F (see Site Plan) are protected by covenant as wooded land. Only selective cutting and/or small openings of 7,500 square feet or less are permitted. Outdoor storage of large equipment and such is relegated to fields on Common Area G.

Although the house lots average about 20,000 square feet, only 1,800 square feet of this space can be built on. Each lot has a 30-foot by 60-foot "building envelope" within which house construction is allowed (by agreement with the Town of Bremen through its clustered housing provisions). The rest of the space on the private lots (90%) cannot be built on.



Reasons for Success:

The site plan for Crabapple Creek incorporates a number of features that have helped cut costs and make the project fit into the rural landscape. The development is hidden from view from the public road and all driveways are off a private, cul-de-sac, road. Many of the lots are laid out so that old stone walls are retained and an existing farm field is preserved as a common area. In addition, the lots share septic fields and wells to reduce costs.

A project like this requires tremendous managerial skill because of the number of people and organizations involved. It also requires that everyone's commitment to the project be unflagging. LincFund's project manager, Peter Knauss made a point of tapping available expertise, aggressively sought out sources of funding, and constantly reaffirmed the commitment of the project's sponsors.

Lessons Learned:

Peter Knauss offers the following notes of advice:

- *First class, reliable, and sympathetic legal and financial advice is critical.*
- *Contingency budgets are never adequate, despite the thoroughness of your initial research.*
- *Any significant change in the economy can dramatically change your marketability, not for lack of need or demand, but due to underwriting guidelines beyond your control.*
- *Staff and volunteers alike need to be informed of day-to-day details.*
- *Whatever your level of patience and perseverance, be prepared to double it.*
- *Everyone in the community, from bankers to NIMBYs, needs to be educated, on a continuing basis, about your work.*
- *Very few problems are insurmountable, but evaluate them closely early-on, and weigh the consequences before acting.*

Affordable Housing and Rural Development

Rural development tends to push surrounding property values, and taxes, up. Sometimes, as a result, long-time residents such as land-rich (but cash-poor) farmers, elderly people on fixed incomes, and families with low to moderate incomes are forced to move. The town can lose diversity and some of the people who, for years, have been an integral part of the community.

By making provision for affordable housing within a project (as in Loomis and Brassknocker Farms), or throughout a project (as in Crabapple Creek), a developer and the community can make rural living a reality for everyone.

Kentwood Shores

Two dedicated landowners develop their property to create a neighborhood by the lake while preserving the shoreline for all the homeowners to use and enjoy.

Summary:

This subdivision in Readfield, Maine, preserves almost 6 acres on the shore of Lovejoy Pond as commonly-owned, wooded land. In total, 35 percent of the parcel is protected from development. In addition, new houses must be sited within specified "building envelopes," so that when all the houses are built they will be screened by trees and hillsides, preserving the quiet, rural character of the land.

Profile:

Location: Readfield, Maine

Property Size: 19.5 acres

Development: 9 lots from 0.8 to 1.7 acres

Land in Conservation: 6.9 acres (35%)

Conservation Tools: restrictive covenants

Site Characteristics: across a discontinued road next to Kents Hill School, on the shore of Lovejoy Pond, a Class-A lake Gross

Density: 1 dwelling/2.17 acres

Net Density: 1 dwelling/1.4 acres

Developers: Rod and Mary Miller, landowners

Designers and Engineers: Stevens, Morton, Rose & Thompson (SMRT), Portland, Maine

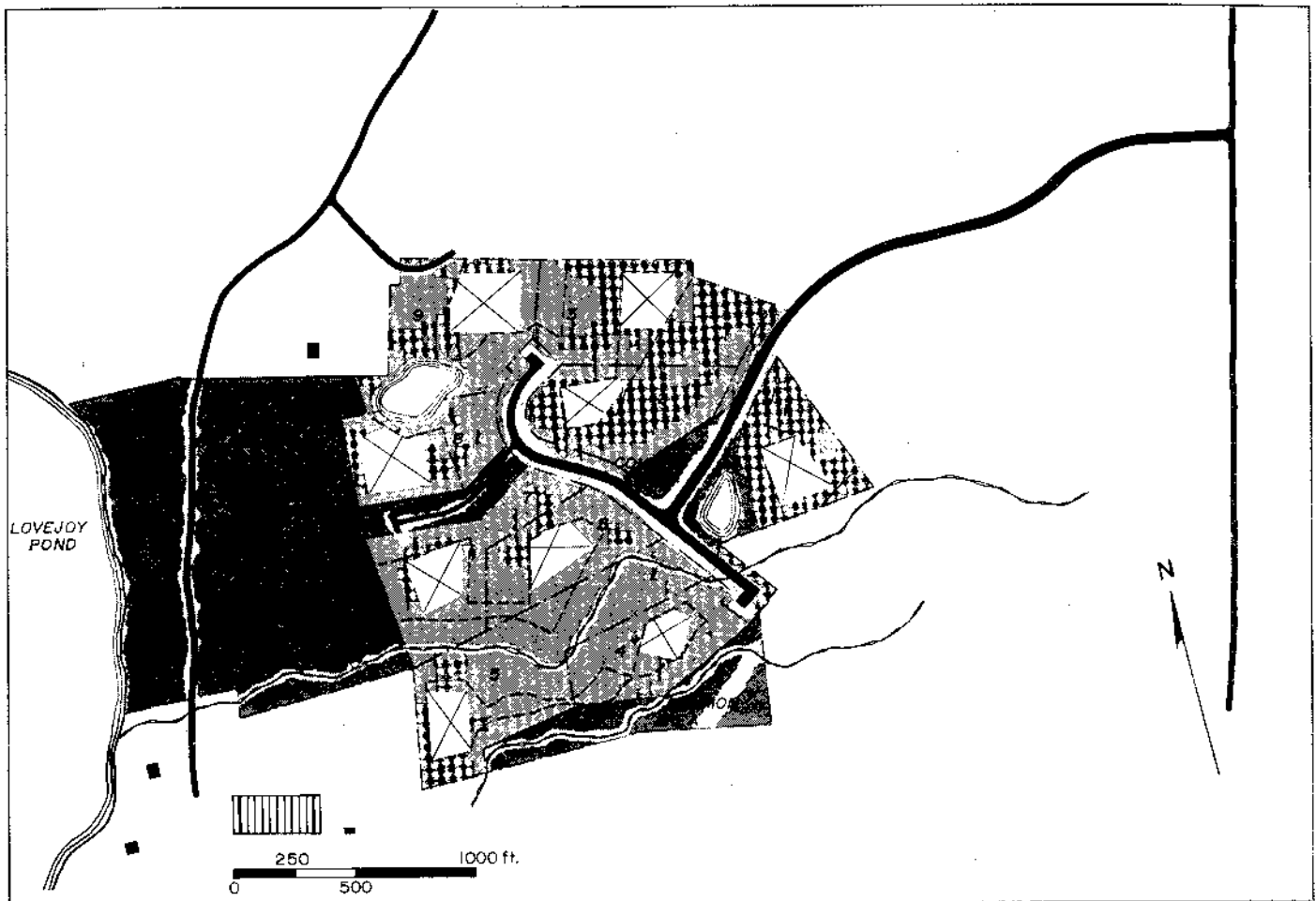
Goals:

- Provide lots for 9 year-round homes.
- Protect the shoreline from development.
- Provide lake access and common land for all subdivision owners.
- Create two detention ponds to catch runoff and phosphorus, thus preventing lake water pollution.
- Establish generous buffer strips between house sites and use natural features (topography, trees) to provide more privacy.
- Create common, undeveloped land along a stream and the lakefront.

Participants:

Rod and Mary Miller are both the landowners and the developers for this project. They wanted their children to grow up with a sense of community, but didn't want to give up their privacy or lake access. When they decided to create a community, they also decided that protecting their lakefront from development was important to them. The Millers hired SMRT to do the site design, planning,

and engineering (i.e. grading plan, erosion controls, etc.). The Millers found the local approval process lengthy and were unable to reach an agreement with the local land trust regarding a conservation easement on the shoreline. Nevertheless, they have achieved most of their goals, and have an approved project and desirable lots for sale.



Open Space Management:

All common areas are owned by a Homeowners' Association. No tree cutting is allowed in these areas except to create footpaths through the woods to be used for walking, running, bicycling, and skiing.

No clearing or tree thinning is permitted within the buffer strip surrounding each lot, and the total area cleared for houses and driveways is limited to 15,000 square feet per lot. The Homeowners' Association is responsible for enforcing these protective covenants, although the Town is also empowered to do so.

Reasons for Success:

The design for Kentwood succeeds because it evolved from the land features. The best house sites were found by walking the land, flagging and staking sites, and researching the soils and topography of those sites. The lot lines and roads were then drawn to accommodate the house sites, rather than the other way around.

Lessons Learned:

A delicate balance is needed between being willing to do research and inform all interested parties on the one hand, and providing too much fuel for dissent on the other. The Millers spent an estimated 3,000 hours of their time on the project in an attempt to be thorough and informative, but as a result, the approval process was easily bogged down. It is important to reduce opposition by involving potential opponents, listening to their concerns, and being willing to compromise. However, by involving more people, it is more likely that some concessions will be asked of the developer that he or she is unwilling to grant.

Rum Ridge

A paper company subsidiary breaks new ground in 1971 with an environmentally successful shorefront development that keeps the shore in common ownership.

Summary:

Built in 1971, Rum Ridge was ahead of its time in Maine. Scott Paper Company's real estate subsidiary, Skylark, Inc., created Rum Ridge as a four-season, recreation-based development. The property is on the southern shore of Lower Wilson Pond in Greenville. Skylark protected the water quality and views of the shore by stipulating that all houses be sited at least 100 feet back from the lake. This project pioneered the use of soil test pits in order to determine the best sites for septic systems. As a result, the lake's water quality is ensured for the long-term. About half of the property, including the undeveloped shoreline, is owned in common by homeowners and each lot has quick, easy access to these wooded areas. Trails, foot bridges, picnic areas, and five docks are all owned and managed commonly.

Profile:

Location: Greenville, Maine

Property Size: 300 acres

Development: 95 lots, 1/2 to 4 acres in size

Land in Conservation: approximately 150 acres

Potential Build-out: +/- 125 lots

Conservation Tools: protective covenants

Site Characteristics: lakeside property in recreational area within the Moosehead Lake region

Gross Density: 1 dwelling/3.2 acres

Net Density: 1 dwelling/ 1.6 acres

Developer: Skylark, Inc., a real estate subsidiary of Scott Paper Company

Goals:

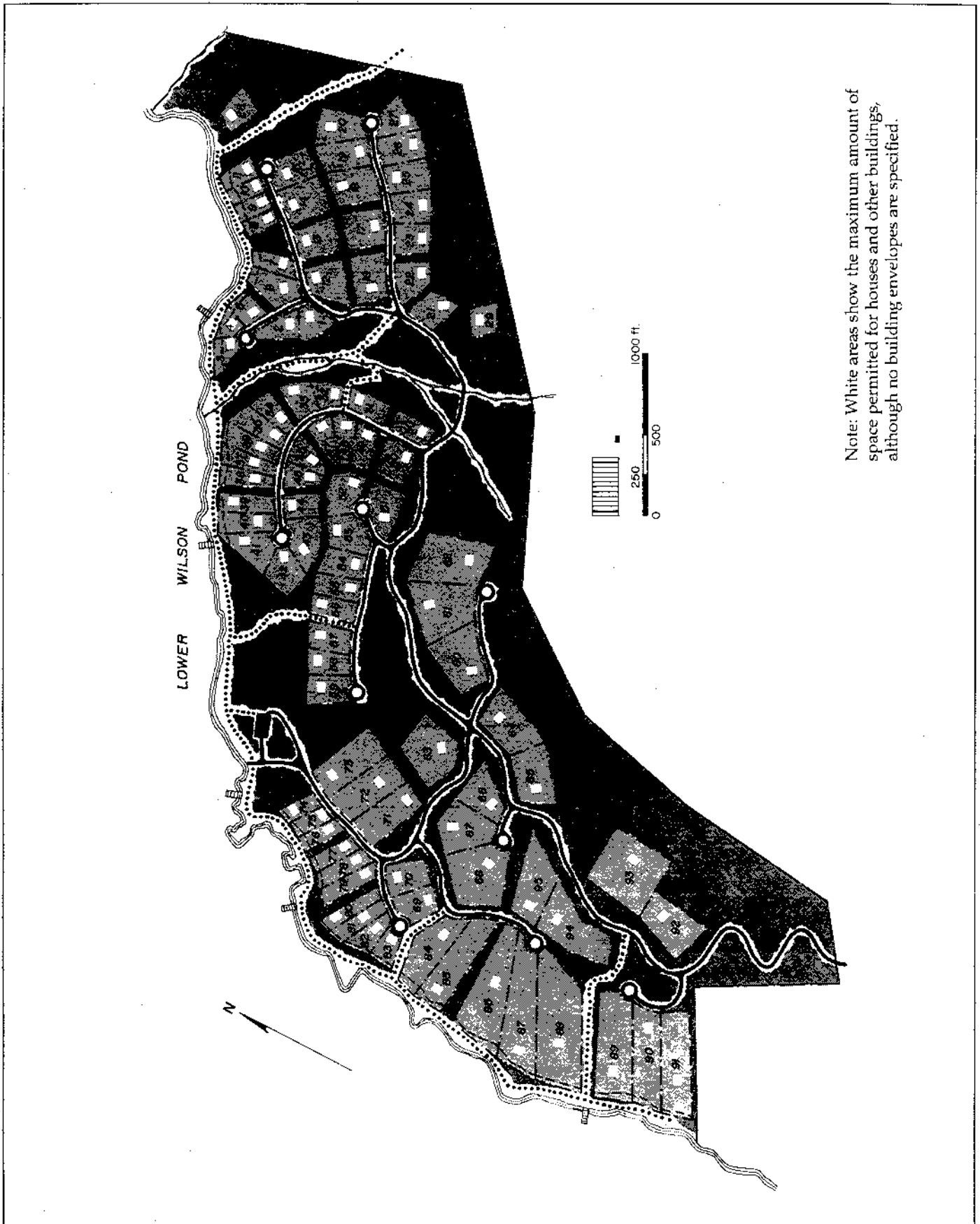
- Provide 95 lots for year-round, single family homes.
- Protect the views of the shoreline.
- Provide common, undisturbed areas for recreational use by homeowners.
- Protect the natural beauty of the woods by prohibiting tree thinning and clearing.
- Establish architectural standards to ensure homes blend into their surroundings.

Participants:

Although Skylark was the principal entity involved with the project, Rum Ridge needed the approval of the Greenville Planning Board and the Maine Department of Environmental Protection under its Site Location of Development Law. Response to the project from all parties was positive.

Financing:

Skylark financed the project itself. The economic downturn of the mid-1970's slowed the selling of lots, but Rum Ridge still broke even as a financial venture. The relatively quick approval process was instrumental in keeping carrying costs down.



Open Space Management:

Protective covenants protect the open space in Rum Ridge as well as establish lot setbacks and architectural standards. Each structure must be set back 20 feet from its lot boundaries, and 100-feet from the lake shore. The architectural standards require that all house colors blend into their surroundings, set a maximum building height of 30 feet, and ban mobile homes and shacks.

No clearing or tree thinning is permitted anywhere on the site, except to create space for a house and driveway. Pruning is allowed to improve a view or increase air circulation. This protects the natural character of the development, while allowing residents to enjoy the views of the lake and mountains.

The lot lines along the shorefront are all at least 50 feet from the water, so that the entire shore (8400 feet) is part of the common space and accessible to all residents. No further subdivision is permitted; this protects lot owners from any additional development. In all, about 150 acres is owned in common. These protected areas extend throughout the development, giving every homeowner easy access to unspoiled land. A single boat landing and five shared docks ensure that everyone has use of recreational facilities, while keeping the shoreland as undisturbed as possible.

Annual Homeowner Association fees of \$160 per year (in 1991) pay for the maintenance of roads, docks, trails, and picnic areas, as well as snowplowing. The Association has the right (but not the obligation) to enforce the covenants and recover any cost they incur by doing so.

Reasons for Success:

Rum Ridge demonstrates that environmentally sensitive development works over the long-term. Skylark went beyond the regulatory dictates of the time to employ trained soil scientists to physically examine soil samples and ensure that house and septic sites were suitably located. As a result, the water quality of the lake has been unaffected for the past 20 years.

The Homeowners' Association has also succeeded through the years. They have effectively policed themselves, and individual homeowners feel pride in being part of the community.

Lessons Learned:

The energy crises of the mid-1970's slowed lot sales considerably, despite Rum Ridge's marketable design. Perhaps the hardest lessons to be learned about this or any project is that a regional economic downturn, beyond anyone's control, can financially jeopardize a well-planned subdivision.

Larrabee Farm

A concerned owner, a responsible developer and the local land trust succeed in conserving local blueberry fields forever.

Summary:

The owner of this 54-acre parcel of blueberry fields and woodlands couldn't afford to give away or keep her land, yet she wanted to protect it. Furthermore, the local land trust couldn't afford to buy the property. Fortunately, she was able to protect the site's natural resources and the public's view when a developer offered to buy the land, cluster the new homes he planned to build, and work with the local land trust. The Town's ordinance provisions allowed lots half the size of the zoning district's minimum in return for clustered development. The developer gave up ten potential house sites and situated 15 lots on 17 acres. Thirty-five acres, including open space, woodland wildlife habitat, and scenic views were preserved. The blueberries are still being harvested today.

Profile:

Location: Brunswick, Maine

Property size: 54 acres

Development: 15 1-acre lots for single-family houses

Land in Conservation: 35 acres (64.5%)

Potential Build-out: 25 lots, with no open space or blueberry fields

Conservation Tools: common areas owned by homeowners' association with conservation easements granted to local land trust; deed restrictions

Site Characteristics: blueberry fields and woods along a brook, 1/2 mile from Maquoit Bay, in a rural residential area

Gross Density: 1 dwelling unit/3.6 acres

Net Density: 1 dwelling unit/1.1 acres

Developers: Stephen Tibbetts and Leonard Westra, Sun House Building & Design; and Peter Bass, Vega Properties

Designer: Stephen Tibbetts, P.E. of Sun House Building & Design

Goals:

- Provide both the original landowner and the developer an equitable return on the property.
- Protect and continue harvesting the blueberry fields.
- Preserve the neighborhood's cherished views of the fields.
- Establish architectural standards for the development.
- Protect the woods and embankment along the bordering brook.
- Establish generous building setbacks on each lot.

Participants:

The landowner, Barbara Hammond, was raised on Larrabee Farm. She couldn't afford to pay the taxes on the property, and placed the land on the market. After receiving offers from other developers, she was approached by Stephen Tibbetts and Peter Bass with a plan that gave her full price for the land while at the same time limiting the

development and protecting the blueberry fields and adjoining brook. Meanwhile, the Brunswick/Topsham Land Trust had identified the property as having significant local importance because of its agricultural and scenic value. When approached by the developers, the Trust agreed to accept conservation easements on the property.

Financing:

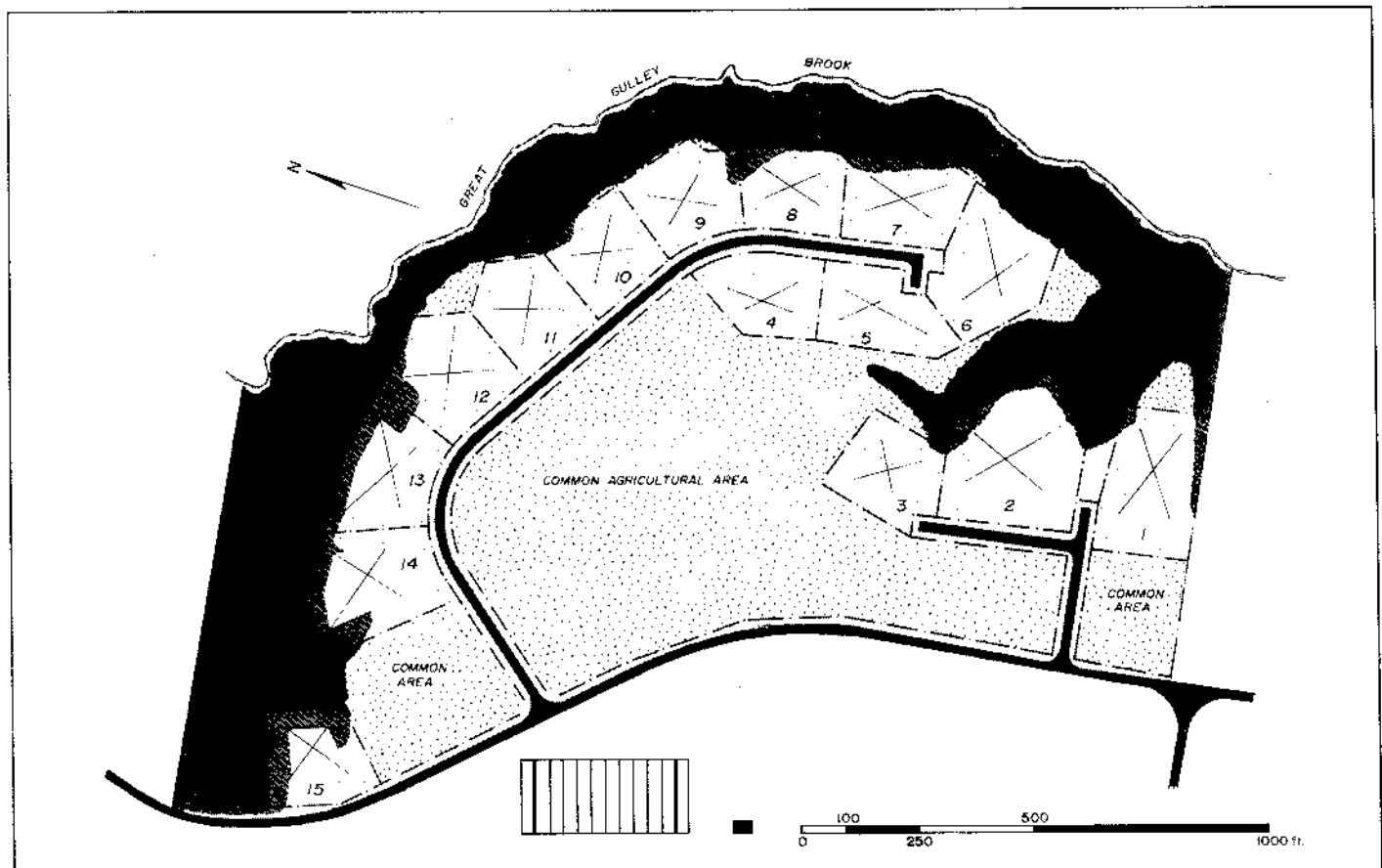
The landowner received full value for her property from the developers. Maine Savings Bank provided 77% of the financing for the project. The owner of the land financed 22% of the project by holding a note at 10% interest for 40% of the land costs. The developers were responsible for only 1% of the project costs. So far, 8 lots have been sold, 3 houses have been designed by Stephen Tibbetts and built by Sun House Building and Design, and two houses are in the planning stage for 1992 construction. With 8 lots sold, the developers have paid off all their indebtedness. Lot prices have fallen 40% since the subdivision was offered for sale. However, with 7 lots left to sell, even at the lower sale prices, the developers will make a reasonable profit.

The conservation easements qualified as a charitable contribution for the developers because they gave up profits they could have made had they created ten more lots, and because the conservation easements are held by a nonprofit conservation

organization. The value of the easement was appraised in 1988 at \$128,000. Collectively, the partners were able to deduct this amount over two years, lowering their taxes, and effectively increasing their net profit on the project.

Open Space Management:

The Homeowner's Association owns the 17 acres of blueberry fields and 17 acres of woods. It is responsible for the maintenance of these conservation areas and pays the taxes on the common property. The Brunswick-Topsham Land Trust holds the conservation easements on the protected land, and is responsible for enforcing the land use restrictions. Building envelopes defined in the deed restrictions limit the placement of houses on the individual lots.



Reasons for Success:

Key to the success of this project was the fact that Brunswick already had a cluster provision in its zoning ordinance, the developer made the effort to exchange some profit for the benefits of protected open space, and the land trust had identified the property as worthy of protection. As a result, all the parties to the project were ready, willing, and able to support the development process and facilitate the granting of conservation easements.

Lessons Learned:

The developers had planned to continue maintaining and harvesting the blueberry fields using organic methods. As the lots have been sold, however, the new lot owners feel they would like to just keep the fields mowed, allowing the blueberries to remain wild, providing only enough berries for the subdivision residents. The new lot owners are apparently not enthusiastic about burning the fields and large numbers of pickers showing up every other year. In short, conflicts between residential and agricultural land use sprung up quickly. The developers will negotiate with the Homeowners' Association to continue cultivating the blueberries using methods that will be less objectionable to the lot owners. However, the future of the blueberry fields is uncertain, given the lack of agricultural easements on the land.

Self-Imposed Development Restrictions

When Dick Everyman and Bryan Sheffield set out to purchase two large lots (of 40 and 60 acres) they agreed, as new neighbors, that their long term goals for their parcels were the same. They wanted to keep their land rural and manage their woods for firewood and lumber; they also wanted to keep land along the marshlands protected and they did not want to see their land divided into small lots.

Their solution was simple: they wrote restrictions into their deeds (called mutual covenants) and agreed to share the access to the

protected shorefront. They limited future development to 1 house/20 acres, agreed to place most of their respective ownerships under the Tree Growth Tax Law, and established simple buffer restrictions regarding clearcutting near their property lines. Each landowner is responsible for policing the land use practices of the other.

That was 20 years ago, and they are still pleased with their decision: it's kept their taxes low, given them peace of mind, and allowed their families to enjoy half a mile of quiet undeveloped waterfront land.

Alewive Farms

A committed developer, a local land trust, town officials, and local residents work together to protect scenic and natural resource values.

Summary:

Alewive Farms is located in an historic area of Kennebunk, known for its rolling fields and rambling farmhouses. As both owner and developer, Maurice Gendreau of C&G Associates wanted to develop his land the "right" way. His subdivision sites twenty house lots on part of 95 acres, leaving 21 acres as protected open fields, streams, and woods. Because of its thoughtful design, the development harmonizes with its historic surroundings. An additional 550 acres on Alewife Pond were sold to the local land trust for permanent protection with limited public access.

Project Profile:

Location: Kennebunk, Maine

Property Size: 95 acres, Phase I subdivision; 550 acres, Phase II conservation land

Development: 20 single-family homes on lots 3 to 4.7 acres in size

Land in Conservation: 21.6 acres (22% of the subdivided property) including the highest point in town; greenbelt along the pond shore; 550 acres sold to local land trust

Conservation Tools: conservation easements granted to the local land trust on land owned by homeowners' association; third party rights granted to Maine Department of Environmental Protection; deed restrictions; sale of land to land trust

Site Characteristics: property borders a 50-acre pond (Alewife Pond); includes abandoned farms and fields which are scenic resources to the local people

Gross Density: 1 dwelling/4.75 acres (subdivision only)

Net Density: 1 dwelling/3.7 acres (subdivision only)

Developer: C&G Associates

Concept Design: Maurice Gendreau and Fran Harrison of C&G Associates with Thomas C. Hubka

Technical Design and Engineers: Stevens, Morton, Rose & Thompson (SMRT), Portland, Maine

Goals:

- Protect the town's visual resources.
- Prohibit development of the Alewife Pond shoreline.
- Preserve wildlife habitat.
- Limit public use of the open lands.
- Ensure ongoing agricultural use.
- Protect a major Kennebunk aquifer.

Participants:

The concept design was developed by Maurice Gendreau and Fran Harrison of C&G Associates. They turned to Thomas Hubka, author of **Big House, Little House, Back House, Barn: the Connected Farm Buildings of New England**, for guidance on architectural standards and early land use patterns.

Mr. Gendreau, C&G Associates, the Maine Department of Environmental Protection and the Kennebunk Land Trust worked to draft the conservation easements. Throughout this project, input, support, and guidance was sought from Town officials and residents.

Open Space Management:

The Kennebunk Land Trust holds the conservation easements on the common property and is responsible for monitoring land uses. The DEP was granted third party rights by the developer and is responsible for enforcing the easement provisions. The easements prohibit any development on the common property and require that the fields be mowed annually, preserving the open space for agricultural use.

The deed restrictions are designed to protect the delicate ecology of the pond and preserve the historic character of the area. Docks and motorized boats are prohibited because the shallowness of the pond makes it vulnerable to environmental damage. Houses built on the site must be located within specified "building envelopes" and meet architectural standards, ensuring that the entire development will be in the New England tradition. No tree cutting is permitted within a 250-foot buffer strip within the lots along the pond shore, creating a greenbelt. Lot clearing is limited. The developer will enforce these deed restrictions (particularly the architectural standards) until all the houses are built, at which time a homeowners' association will assume those responsibilities.

The 550 acres in Phase II of the project were originally intended for subdivision. However, the downturn in the real estate market convinced Mr. Gendreau to sell the entire parcel to the Kennebunk Land Trust to be protected forever as open space. The land trust is currently working on a long-range management plan that will include limited public access to Alewife Pond.

Reasons for Success:

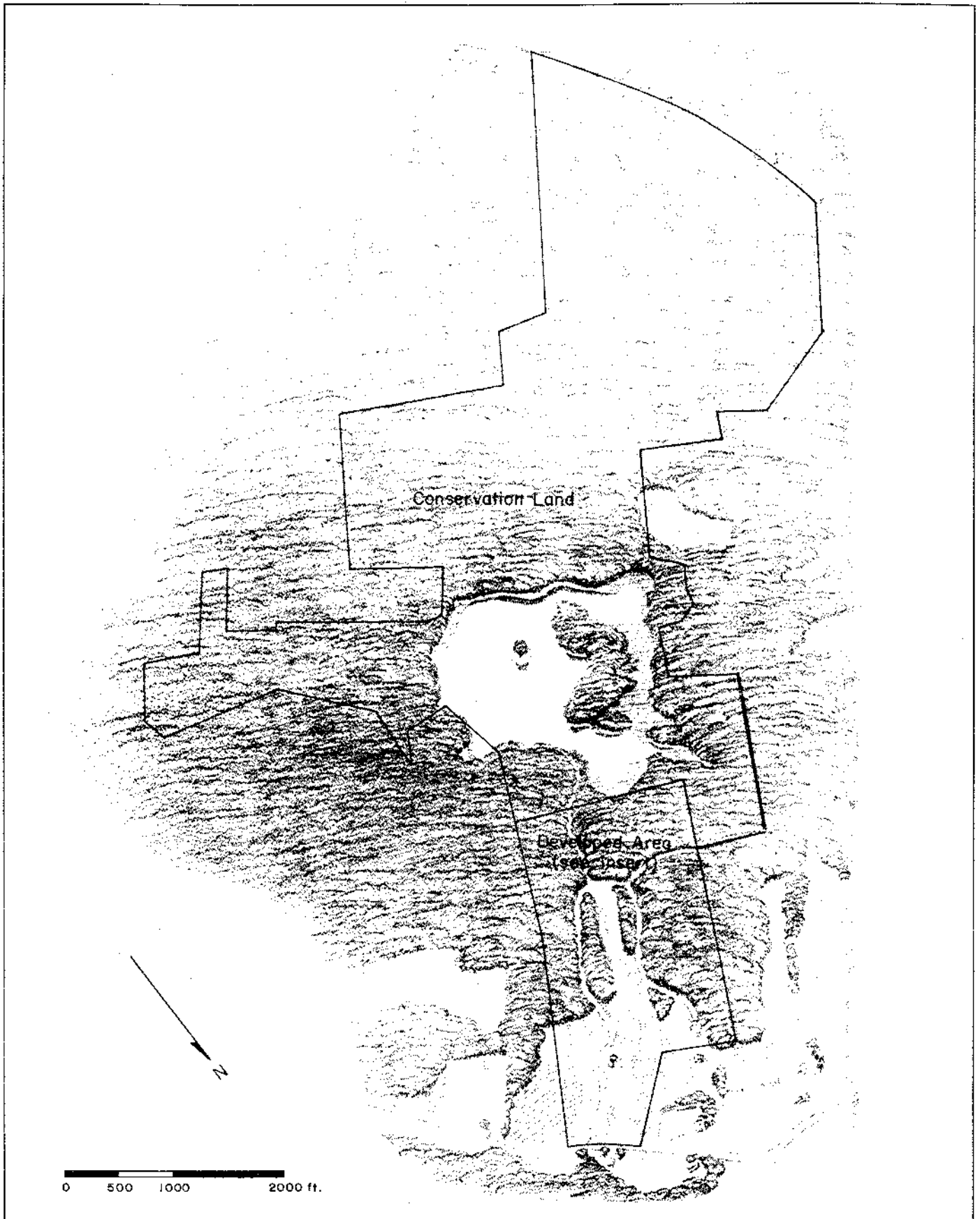
Maurice Gendreau and Fran Harrison are both long-time residents of Kennebunk and so had a personal stake in the success of this project. Because Mr. Gendreau was both owner and developer, he was more able to realize his objectives.

Lessons Learned:

Unfortunately, the Town did not have a cluster ordinance and instead mandated a minimum 3-acre lot size with 200 feet of road frontage in this area. This prevented a denser clustering of the house lots which would have created more open space. In anticipation of Phase II of the subdivision, C&G Associates hired Market Decisions, Inc., a planning firm in Portland, Maine, to develop a cluster ordinance for adoption by the Town. Market Decisions was instructed to take their directions from the Kennebunk Planning Board and work with the Town Planner to develop an ordinance which would place Kennebunk's long-term interests first. The ordinance was subsequently voted on and adopted by an overwhelming majority of the voting Kennebunk residents.

The difficulty in monitoring the greenbelt cutting restrictions was brought home when one homeowner violated the clearing provisions. The developer, working with the Kennebunk Land Trust and a State Forester, negotiated a consent agreement with the homeowner to replant the area.





Caterpillar Hill

A subdivision incorporates stringent conservation easements to protect views and blueberry fields without creating "common" open space.

Summary:

One hundred and twenty-six acres were subdivided to create 10 single-family lots. A primary goal of the project developer was to preserve the views of the property from the road and from Eggemoggin Reach in Penobscot Bay.

Profile:

Location: Sedgwick, Maine

Property Size: 126 acres

Type of Development: 10 single-family lots, ranging from 10.5 acres to 19.2 acres

Potential Build-out: 35-40 lots, under current zoning

Land in Conservation: no land set aside, but easements protect privately held land

Conservation Mechanism: conservation easements granted to local land trust

Site Characteristics: rural coastal property with blueberry fields and woods with views to Eggemoggin Reach

Gross Density: 1 dwelling/12.6 acres

Net Density: 1 dwelling/.72 acre

Developer and Designer: The Three-Strand Corporation

Goals:

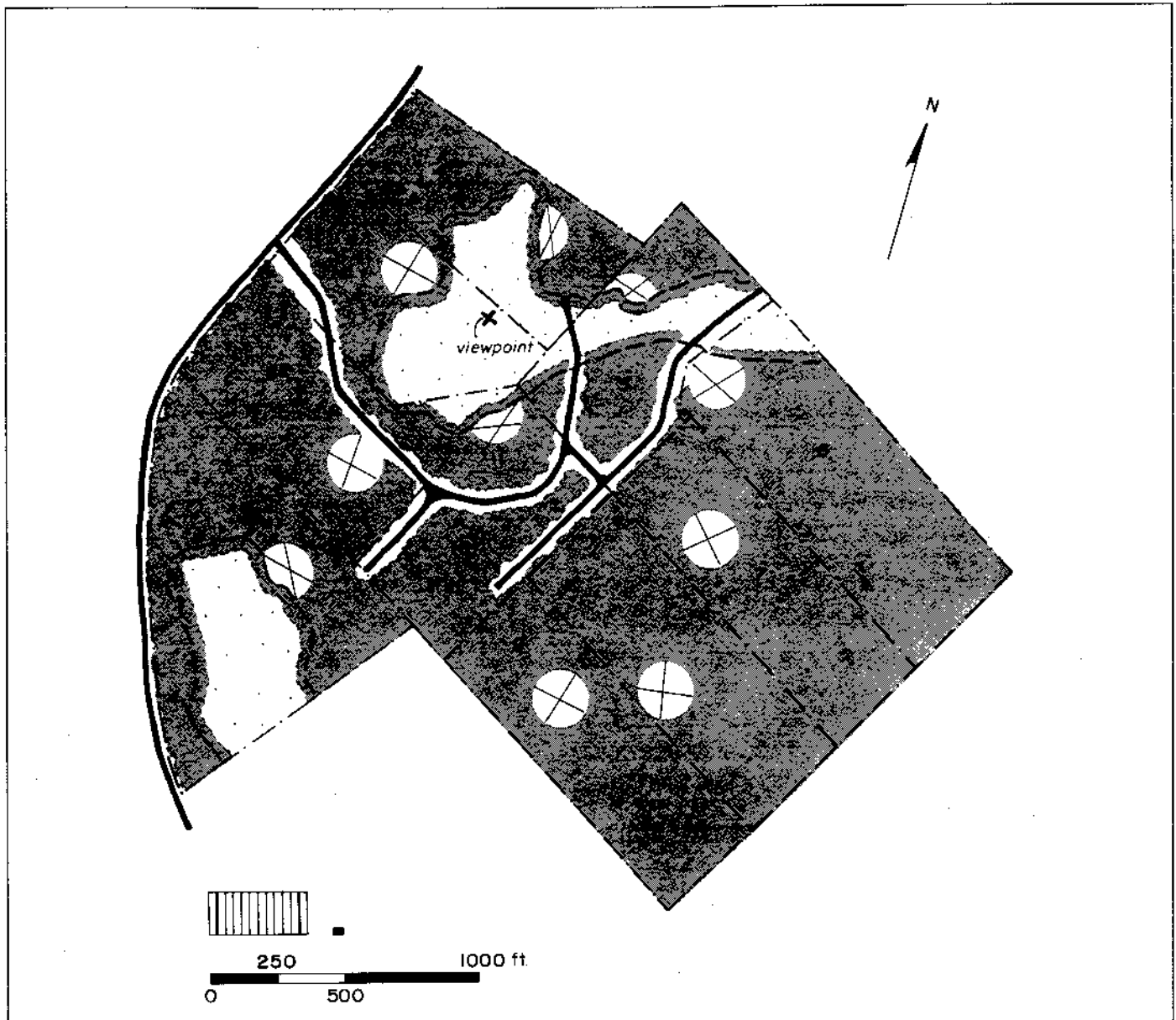
- Provide income to the trust of which the property was a part.
- Protect scenic views from the ocean and the road.
- Preserve the blueberry fields.
- Minimize the density of development to address Town concerns about large numbers of homes being built.
- Minimize any impact on town services.

Participants:

The landowner hired the Three-Strand Corporation to plan the development and draft the conservation easements. Maine Coast Heritage Trust, a statewide land trust, was consulted about the conservation easements and prepared the final easement language. Blue Hill Heritage Trust, the local land trust which had identified the property as being of significant value to the community, now holds the conservation easements.

Financing:

A portion of the property was sold immediately to place cash in the landowner's family trust. The rest of the property is to be sold gradually, when the market is most favorable. Interim financing for the subdivision roads was obtained from a local bank.



Open Space Management:

Conservation easements held by Blue Hill Heritage Trust protect the views as much as possible. Houses must be situated in the woods where they cannot be seen from either the road or the water, and be no more than 32 feet high. A "Homesite Point" is designated for each lot on the site plan; houses must be situated within 100 feet of that point. In addition, all homes must be at least 30 feet back from the edge of the blueberry fields, 100 feet back from the public road, and screened from

view by vegetation. No further subdivision of the lots is permitted.

These easements also confirm the right of each lot owner to cultivate the blueberry fields (on lots 1,3,4,5,6, and 10), raise animals, create and maintain footpaths, excavate small areas for ecological or archaeological studies, and to manage their woodlots. Tree thinning and pruning are permitted in the 30-foot buffer strips surrounding each field.

All tree cutting for commercial purposes must be done in accordance with a management plan prepared by a registered forester. Although all of these activities are permitted under the conservation easement language, they are not mandated.

Finally, an easement is granted to each landowner for access to the most spectacular spot on the property. Homeowners can come to this viewpoint in one of the blueberry fields to enjoy a picnic and look out to Eggemoggin Reach.

Blue Hill Heritage Trust is responsible for monitoring land uses and making periodic inspections of the property. If the Trust believes that any landowner is breaching the agreement, they can demand corrective action or take legal action. If the court finds in favor of the Trust, the landowner has to pay triple the cost of enforcement, attorneys fees, and construction costs.

Reasons for Success:

This is a very simple project with just a few, albeit important goals: protect the aesthetic value and ecological integrity of the property without unduly limiting landowner rights. The property had already been identified by Blue Hill Heritage Trust as being an area of value to the community. The trustee of the family trust was motivated to limit development as much as was financially feasible. Furthermore, Three-Strand Corporation was able to meet its financial goals while giving all the parties what they wanted. There were no competing interests, so everyone came out ahead.

Community Supported Agriculture

It's not surprising that seven of the nine case studies featured here involve farmland. Farms throughout New England are disappearing at an alarming rate.

A few farmers, like Jill Agnew in Sabattus, Maine, are bucking this trend by selling shares in their farm operations. For an annual investment of \$500, paid in the fall, customers reserve the

right to fresh produce from the next season's crop. This guaranteed infusion of cash tides the farmers over the winter and assures them of customers — before they plant. Under this arrangement, everyone gains and, most important, the farmland stays undeveloped.

Brassknocker Farm

Dedicated and caring local residents use limited development to protect their village and the surrounding countryside.

Summary:

The Vermont Land Trust (VLT) bought this 772-acre property in Greensboro and East Craftsbury in 1987. Its location adjacent to a 19th Century village consisting of 11 homes, a church, library, and dairy farm, made it imperative that the land be developed sensitively. The Trust's plan successfully protects the fields and pastures, keeps them in production, encourages continued cutting on the timberlands, protects the village water supply, limits the number of homes in keeping with the small village atmosphere, and creates public footpaths through the property.

Profile:

Location: Greensboro and East Craftsbury, Vermont

Property Size: 772 acres

Development: up to 20 single-family homes on thirteen parcels; lot sizes from 2.75 acres to 248 acres; plus a 7-acre village lot set aside for a multi-unit elderly housing project designed to accommodate up to 24 residents

Land in Conservation: VLT will sell all of the acreage, but retain conservation easements; each of the 21 planned structures is within a building envelope no bigger than 2 acres, therefore the total amount of land which will be conserved for farm and forest uses is 730 acres.

Potential Build-out: 500 acres in Greensboro zoned one unit per ten acres; remaining 272 acres in Craftsbury unzoned; soils permitting, any number of lots possible; reasonable to assume 100 lots could have been created

Conservation Tools: deed restrictions and conservation easements

Site Characteristics: property includes architecturally significant horse barn, 50-acre "high meadow" (a scenic resource), open fields at the edge of the village, woodlots, cropland, and sugarbush

Gross Density: 1 dwelling/38.3 acres plus an elderly housing unit for 24 residents on 7 acres

Net Density: 1 dwelling/2 acres

Designer and Developer: Vermont Land Trust; Cheryl Fisher, project director

Goals:

- Keep the fields and pastures open and in production.
- Sell the Cate Hill timberland as one parcel so that it can be managed for timber production, wildlife habitat, and to protect the village water supply.
- Keep the sugarbush as one parcel so that it may be managed for maple syrup production.
- Situate the house sites so that the rural atmosphere of the village is maintained.
- Identify and evaluate land for expansion of the village.
- Establish a parcel as a village common.
- Create permanent footpaths for public access.
- Create local mechanisms to develop and maintain the footpaths and common land.
- Establish local mechanisms to help lot buyers manage their natural resources.

Participants:

A neighbor to the property was largely responsible for initiating the project. The Vermont Land Trust acted as landowner, conservation organization, financier, and developer, and was both philosophically and financially committed to seeing that the project succeed.

Financing:

The property was bought by the Vermont Land Trust for \$575,000. Over the course of three years, financing was obtained from a commercial bank, a regional nonprofit limited development organization, individual creditors and donors, and a state housing agency.

The Caledonia Bank loaned \$400,000 for the project, with the land held as collateral. The terms of the loan were 3 months at 11.75%, renewable for 3 months. It could then be rolled into a 15-year mortgage.

The Land Management and Development Foundation loaned VLT \$50,000 for 1% above the prime rate, for 1 year. Dedicated individuals loaned a total of \$210,000 of their own money, at rates from 0 to 7% interest. Others pledged a total of \$296,650 in credit, and some people made cash donations of \$7,000, total. In all, ninety-six people helped back the project financially.

Finally, the Vermont Housing and Conservation Trust Fund loaned the project \$300,000 for 8 months, with no interest. The loan has been renewed several times. Each time, a portion of the principal was paid.

Open Space Management:

The 235-acre Cate Hill lot was sold immediately as one parcel so that it could be managed as timberland. Conservation easements for that parcel permit only four houses on the land and prohibit them from being sited in the open meadow along the road, or on a steep hill. The easement states that "any homes constructed must be done in such a way as to not adversely affect the scenic and natural resource values of the property."

The rest of the property was divided into 13 lots. Ten of these were designated for single-family homes, and ranged in size from 26 to 73.2 acres. Conservation easements held by VLT dictate where the houses may be built, thus preserving the rest of the parcel area.

Public use of the property will be permitted in three ways. First, a 16-foot fishing access easement has been retained along the entire length of the Whetstone Brook. Lot #11, a 3-acre parcel on the edge of the village, will be given to a local non-profit organization to use for public roadside open space and as an access to the Brook. In addition, a local association will be formed to develop and manage a trail network for non-motorized recreation. Users will be required to join the association, with dues used to manage the system.

VLT has leased one lot to local farmers for hay production while they wait for the parcel to sell.

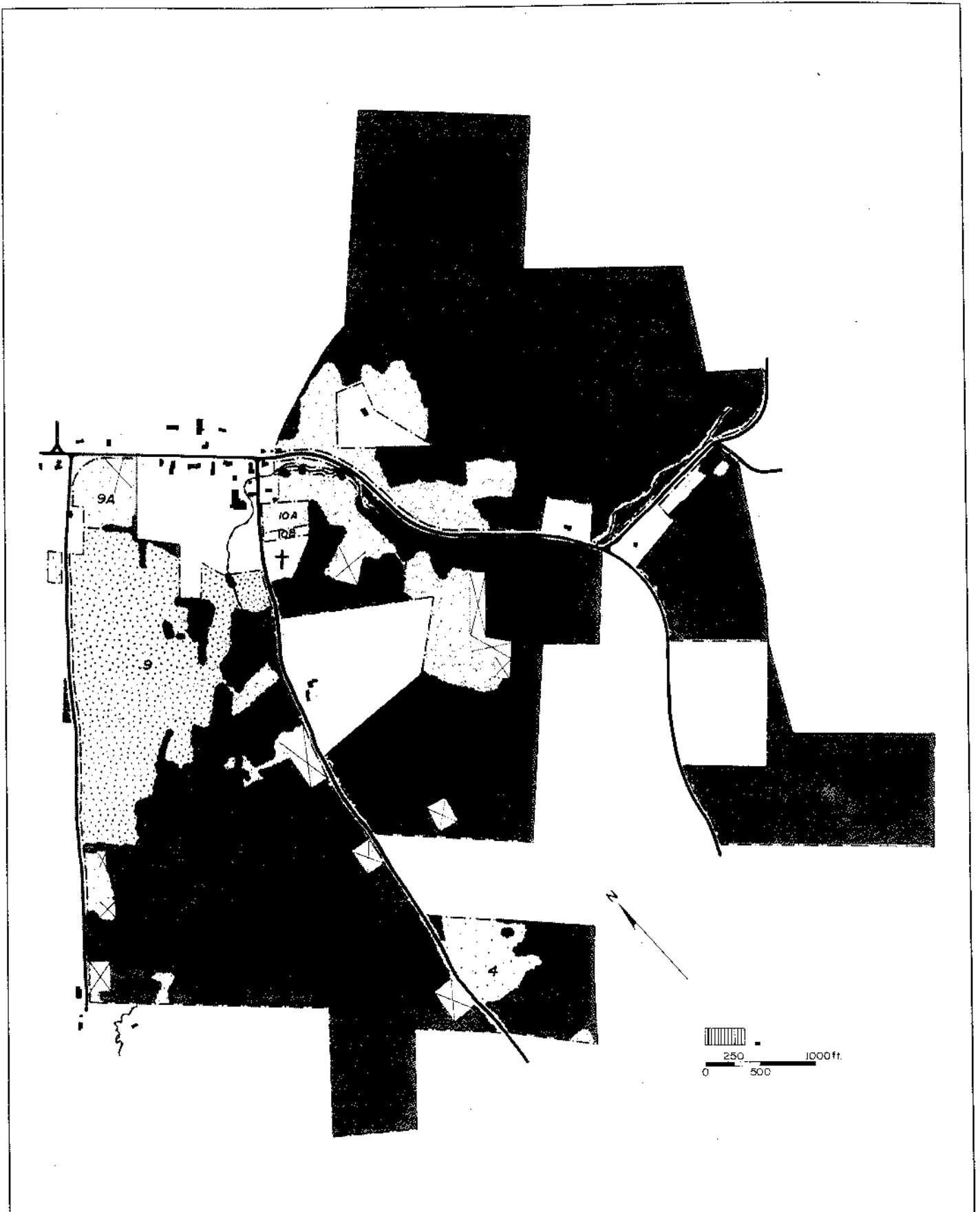
Affordable Housing:

Two house sites have been dedicated to affordable housing. The land upon which they will be built has been given to the Central Vermont Land Trust, a housing trust. In turn, Central Vermont has entered into an agreement with Habitat for Humanity to construct the homes.

Reasons for Success:

VLT had to educate the community about land trusts as well as the project in order to gain local acceptance. They launched a public relations effort and involved local people in the planning process. The Steering Committee for the project was made up of a town clerk, a local selectman, three farmers, an adjoining landowner, a vacation homeowner, logger, and other residents. Probably more than anything else, public support made this project succeed.

Combining the roles of conservation organization, developer, planner, and financier gave VLT



more control and more options. However, it also raised the stakes for the organization to either act professionally in all their roles, or risk compromising or losing the project.

Lessons Learned:

Cheryl Fischer offers the following thoughts:

"Brassknocker was the first, large, limited development project the Trust did. The first lesson we learned is to never think (and consequently say) that it will be done in some specified timeframe. We told our supporters that we thought we would have it designed and in the hands of future owners in twelve to eighteen months. It has been four and one half years, and we still have one parcel left to sell. It takes a very long time to find ways to give something to everyone.

"The second lesson we learned was that ... limited development, by its very nature, relies on conservation-minded people with the financial resources to buy land which will always be protected. We may, in the long run, be creating a rare, and thus very expensive property. The local residents in the Craftsbury-Greensboro area fault the Trust for driving up land values, and in this case, we are indeed part of that problem. The charge of creating an elite neighborhood had a good deal of merit. We are looking for ways to design a more balanced neighborhood, should we use this technique again.

"The third lesson we learned is that although over one hundred people supported this project, most have not become regular contributors to the Trust. Indeed, we annually seek their support in our annual membership appeal, but have found that most want to see the end of this project and the dissolution of their pledged credit before they make additional contributions."

Development and Agriculture

Caterpillar Hill and Larrabee, Loomis, and Brassknocker Farms are examples of projects that have conserved agricultural land while allowing limited development. Another development in Topsham, Maine, has achieved the same goal by carefully placing house sites in an existing apple orchard. Cider Run is a 43-acre property that has been divided into five 5-acre lots plus a common area. The common area consists of sixteen acres within the floodplain and is leased out for haying. It can never be subdivided, and can only be used for agriculture. The orchard now contains three

large homes set amongst 10 acres of apple trees and is served by narrow, private driveways. The Town requires a 150' buffer of apple trees along the public road so as to maintain the rural atmosphere of the area. The 10-acre orchard is being managed successfully by an orchardist who has a 5-year renewable lease on the land. She produces organic apples, cider, and applesauce. All of these projects are unusual. It is not always easy or desirable to mix active agricultural operations with development, but as these cases show, it can be done.

Loomis Farm

A joint venture between two land trusts (one national, one local) result in the preservation of a dairy farm and wildlife habitat, and the construction of some affordable housing.

Summary:

The residents of Ashfield, Massachusetts were alarmed when a local dairy farm went on the real estate market in 1985. They feared the 410-acre property would become wall-to-wall houses which would put a strain on municipal services. They also feared the loss of their rural landscape. In the end, the farmhouse, barns, and fields were preserved as working 180-acre farm; two affordable housing units were built, and 59 acres of woods and prime wildlife habitat were preserved. Forty-six of these acres were donated to the Trustees of Reservations, a conservation organization, for the permanent conservation of a beaver pond and wildlife habitat. This land will become part of the Chapel Brook Reservation. In addition, nine market-rate lots, ranging in size from 4 to 60 acres, were created in the wooded areas. Deed restrictions and site constraints prevent further subdivision of these parcels. The restrictions also control tree cutting practices and establish building setbacks so that the roadside remains wooded.

Profile:

Location: Ashfield, Massachusetts

Property size: 410 acres

Development: 9 single-family house lots from 4 to 60 acres, including two affordable homes; one existing farmstead

Land in Conservation: 46 acres (11%) preserved in undeveloped state; 180 acres of farmland (44%) with agricultural restrictions placed on it

Potential Build-out: 43 house lots with no approval required; many more in approved subdivision with the loss of the dairy farm, wildlife and rare species habitat, and woods

Conservation Tools: gift of land to conservation organization; sale of development rights to the Commonwealth of Massachusetts; agricultural and deed restrictions

Site Characteristics: dairy farm with open pasture and cornfields, woodland, and beaver pond in a hilly rural area

Gross Density: 1 dwelling/41 acres

Net Density: 1 dwelling/18.4 acres

Developer: Trust for Public Land in conjunction with the Franklin Land Trust Project

Directors: Mark Zenick, Franklin Land Trust; John Feingold, New England Field Office of the Trust for Public

Land Designer: Harry Dodson, Dodson Associates, Ashfield, Massachusetts

Goals:

- Demonstrate an alternative development approach.
- Protect the farmland and keep the farm business going.
- Maintain the scenic views from the road.
- Create and sell only enough single-family house lots to finance the project and protect the farmland.
- Provide affordable housing.
- Protect rare species habitat and a beaver pond.
- Arrange lots so as to take advantage of features such as stone walls and views.

Participants:

A group of town residents first approached the Trust for Public Land (TPL) when the land was put up for sale. TPL, a national conservation organization, helped them to form themselves into the Franklin Land Trust (FLT), a group dedicated to preserving farmland throughout the county. Harry Dodson, an FLT board member, directed the planning process, while Mark Zenick acted as project director. John Feingold of the TPL structured the real estate transactions and financing for the project while FLT was responsible for obtaining development approvals and marketing and selling the lots. The Commonwealth of Massachusetts contributed to the project by purchasing the development rights to the 180 acres of farmland through its Agricultural Preservation Restriction (APR) Program.

Financing:

TPL was able to purchase the original 410-acre parcel for \$310,000: the exact amount the farmer had been offered by two different land speculators. \$13,000 was borrowed from Ashfield residents, some at 0% interest. A bank held the first mortgage for \$88,000. TPL was able to pay off the bank debt when the State bought the development rights to the farmland. The original landowner held a second mortgage for \$177,000. The terms of this loan allowed the sale of individual lots in order to pay off a proportionate amount of the principal.

FLT held an option to purchase the individual lots from TPL at below-market prices. When each lot was sold, its title was passed from TPL to FLT, and then to the ultimate owner at full market price. This arrangement provided FLT full control of the marketing and sales of the lots, and enabled FLT and TPL to share in the proceeds. TPL used its revenues to pay the original landowner, thereby releasing the mortgage from each parcel as it was sold.

Open Space Management:

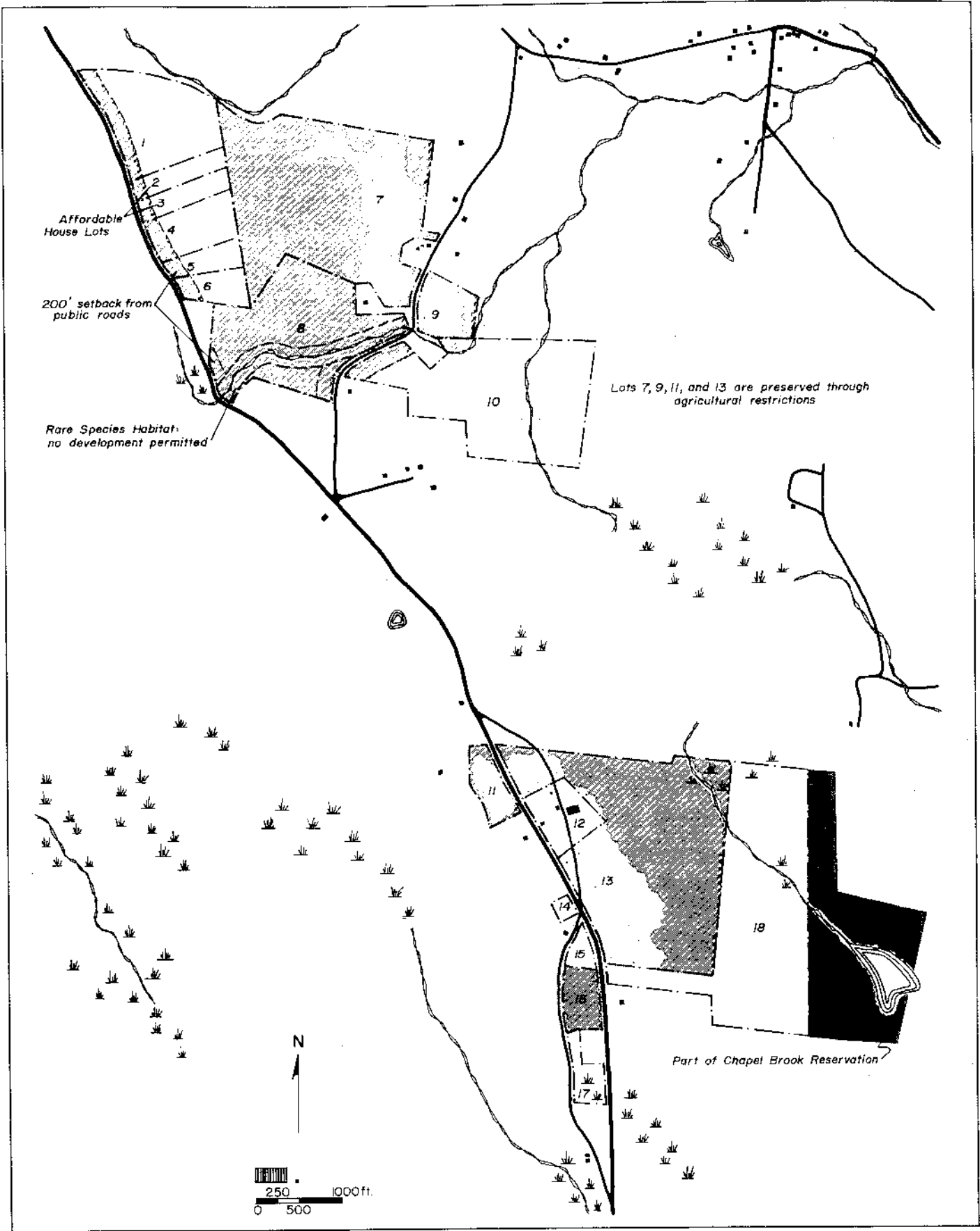
Significant conservation was achieved in three ways. First, ownership of a 46-acre parcel was transferred to a local conservation organization to permanently protect the beaver pond and wildlife habitat.

Second, deed restrictions on the parcels minimize any impact of development. They require a 100', 150', or 200' setback from the road, a 12' maximum driveway width, and no development on a stream bank with rare species habitat. The covenants also regulate the amount of vegetation which can be removed within the setback area and prohibit any building in this area, effectively creating a "greenbelt" along the road. Finally, the covenants prevent further subdivision of the parcels, many of which could have been divided into smaller house lots under the current Ashfield zoning regulations. The deed restrictions are binding for a period of thirty years, after which time the terms may be amended, terminated, or extended for successive periods of twenty years, based on the vote of a majority of the lot owners.

Third, the farm was protected when the development rights to the agricultural land were bought by the State of Massachusetts through its Agricultural Preservation Restriction (APR) Program. These restrictions, essentially an agricultural easement, prohibit non-agricultural use of the property, and severely restrict its subdivision for other than farm purposes.

Affordable Housing:

The two affordable housing lots were sold to the non-profit Franklin County Community Development Corporation at one third their market value. A three-bedroom cape was built on each of the 5-acre lots. They were sold to local families that met income guidelines; the terms were: a 5% down payment with a 5% interest, 30-year mortgage. The buyers contributed some of their labor, and ended up with monthly payments of about \$450, excluding taxes and insurance. A clause in the mortgage ensures that the homes can only be resold at a price substantially below market value.



Because the Agricultural Preservation Restriction Program purchased the development rights to the active farmland, that parcel could no longer be developed, and its market value was reduced. Consequently, the farmhouse, barn, and fields were sold at an affordable price to a young couple who will keep the farm going.

Reasons for Success:

Organization and funding were key to the success of this project. Local people organized themselves to protect the rural character of their town and aggressively sought professional and financial help. They were committed enough to conservation to help fund the project themselves. The State APR Program also made a critical contribution to the success of the project by purchasing the development rights to the farmland.

Timing was also very important. The land was bought initially in 1985, before the real estate "boom" of the late '80's. Land values in the region appreciated at more than 25% per year over the course of the project, giving FLT and TPL an excellent return on their investment. The lots were all sold prior to the real estate "crash" of 1989. Since the intent of the project was to create and sell only enough lots to finance the project and preserve the farmland, a less favorable real estate market would have meant a smaller return on the original investment and a more extensive subdivision.

Finally, careful site planning ensured that the sites selected for conservation, farming, and development were those that were best suited for each purpose. This, in turn, helped to make the lots more marketable, and helped to "sell" the whole project to the community, bankers, and State officials.

Lessons Learned:

Harry Dodson, the designer, would like to have explored the possibility of clustering the homes built in the northwest corner of the development. As it was, the Ashfield zoning regulations mandated 2-acre minimum lots with 200 feet of road frontage. The resulting design was a "piano key" layout that he felt might have been improved upon, with fewer houses fronting on the main road, thus leaving more land for conservation or farming. In this case, the local zoning ordinance precluded a more appropriate design.

Mark Zenick, the FLT project director, makes the following points:

- *"It requires a 'moral imperative' on the parts of land trusts and their boards to become involved in creating affordable housing opportunities because inevitably it means foregoing additional project revenues."*
- *"It is crucial to identify mortgage financing resources for affordable housing that offer interest rates below market levels in order to offer truly affordable monthly mortgage payments."*
- *"The cost of using money is usually the greatest expense in acquiring a large parcel and carrying out a limited development plan. The securing of 'free money' goes a long way toward allowing limited density and the creation of affordable housing. Often abutters and other local supporters will extend interest-free loans for the duration of the project."*
- *"Be visionary in setting goals and prudent in reaching them."*

III. Lessons Learned

It is clear that creative individuals can balance development with conservation and come out ahead. The developers of the projects profiled here can rightfully share pride and a sense of accomplishment.

Their success, however, has not come easily. It is therefore instructive to see what can be learned.

Financial Considerations

There is an extra cost associated with balanced "green" development projects; in each case study, the profit that could have been made was reduced somewhat because of the developer's commitment to conservation.

To many, this is a price worth paying. The rewards — the preservation of a view or a farm or the provision of affordable housing — are lasting and beneficial to the community. All the same, a profitable venture is a central goal of most developers. The means to that end, however, are many and varied. The following approaches can be used alone, or in various combinations.

Private Financing

A number of the projects were funded privately, by a group of investors, by the landowners, or by a corporation. The expectation was for a fairly quick turnaround, provided the market was right and lot sales brisk.

Bank Financing

Banks were involved in helping to finance the purchase and development costs on the Crabapple, Larrabee, and Loomis projects. Although incorporating open space into a subdivision is not yet standard practice, bankers will back such projects. Provided bankers are persuaded that they will receive a fair and timely return on their investment, developers should have no problems getting commercial loans for "green" projects.

Special Funding Sources

The affordable housing projects at Crabapple and Loomis were the beneficiaries of state and local housing funds. The Loomis Farm project also benefited from foundation support and the availability of special state (MA) funds dedicated to the purchase of development rights on farm property.

Cost Control

In order to contain costs and show profitability, a number of the projects were innovative in their design approach. At Crabapple, costs for sewer and water were reduced by building combined (shared) waste water treatment beds and by having 4 or 5 dwellings share one, centrally located well.

Road construction costs can also be pared down (with Town consent) by using long driveways and/or by down-sizing or even removing road standards that don't compromise safety (see the Common at Cumberland).

Land Trusts as Developers

Although the Loomis Farm limited development project proved successful, a post mortem of similar projects by the Lincoln Institute urged caution. In their view, limited development works best if there is a substantial gift of land to the land trust or other subsidy to help underwrite all the costs associated with start-up, regulatory review, planning, marketing, etc.

Advice for Developers

- Find out all local or state regulations before you start.
- Find out the goals and policies of the town's comprehensive plan.
- Hire a land use planning consultant or landscape architect to help with site evaluation and design.
- Contact the local land trust and/or conservation commission early on for advice.
- Take regional and rural character into consideration.
- Do a thorough site analysis that includes an inventory of soils, topography, views, land cover, architecture, natural resources, and potential recreational resources.
- Ask the local historic preservation society and/or land trust if they are interested in participating in any way.
- Research tax incentives for limited development.
- Work with the planning board or town planner; listen to their ideas.
- Be willing to solicit, and listen to, the opinions of neighboring landowners.



Advice for Landowners

- Be clear about your wishes for your land with your family and in your will. If you care about the future of your land, put your instructions about deed restrictions in your will or deed.
 - Don't sell without thinking about the consequences. Consider doing a creative subdivision yourself, or contact a land trust, reputable developer, or design firm who can assist you.
 - Know what your options are for protecting your land and make sure you understand the relative effectiveness of different approaches.
 - Recognize that you have the right to dictate how you wish the land to be subdivided and/or conserved.
-

Advice for Land Trusts

- Identify the properties in your area that should not be developed because they contain special habitat, scenic views, or have other public benefits. Land that is threatened because the owner can't afford the taxes or because it is eminently developable should also be identified.
 - Talk to landowners whose property you've identified as valuable or threatened.
 - Make a list of individuals, especially developers, who are sympathetic to your cause or might consider participating in a limited development project.
 - Recognize that parcels identified for protection may contain areas that don't need to be preserved. Such areas may be appropriate for a limited development project which could finance the purchase of land or development rights.
-

Advice for Affordable Housing Groups

- Seek gifts of developable land and identify landowners who are willing to sell below the market price.
 - Build up support for your project within the community through public information and outreach programs and through the local comprehensive planning process.
 - Hire an experienced and competent project manager to help seek funds, coordinate specialists, obtain permits, track costs, call for bids, and move the project forward.
 - Learn about your market ahead of time. Determine who needs what type of housing and what they can afford.
 - Establish firm, legally enforceable rules regarding the resale of any affordable units so that a reasonable profit is made by the seller and the price of the house stays in the affordable range.
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III. LESSONS LEARNED

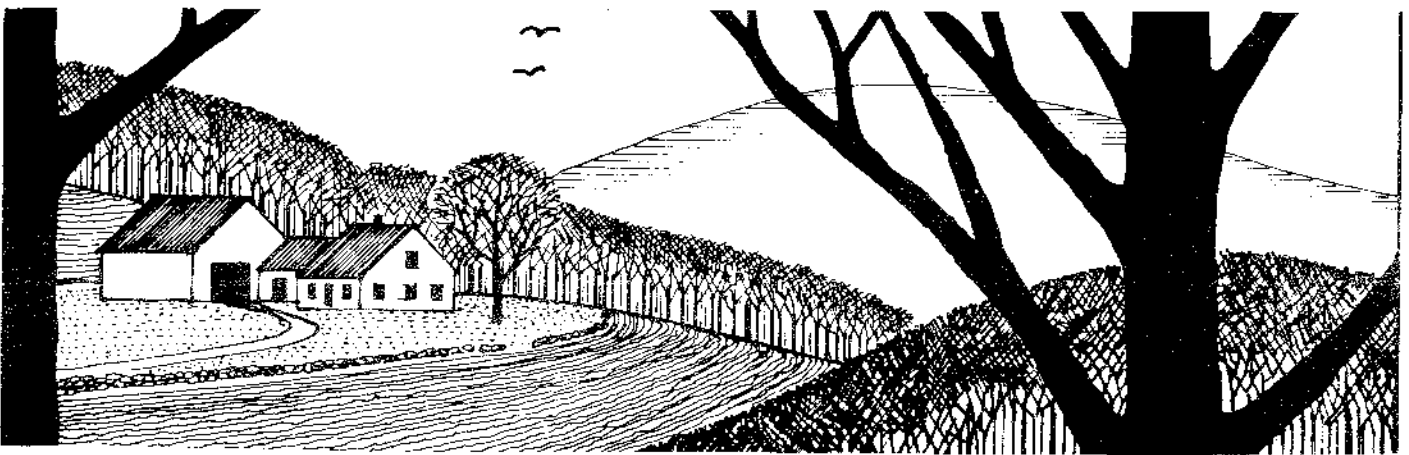
Advice for Site Planners and Surveyors

Balancing development with conservation requires careful site planning and design. Obviously, a cookie-cutter approach is inappropriate; each site's assets and liabilities help determine the final layout of lots, as do the developer's goals and the realities of the market. An examination of all of the site plans featured here reveals that they have much in common. The usual approach is to:

- Inventory site features; map slopes, soils, land cover, views, and special features such as walls, historic buildings, etc.
- Determine how best to define, and then protect, those features worth preserving (e.g. a blueberry field, farmland, a wetland, the lake shore, the viewshed, etc.).
- Identify the best house sites on the ground first, and only then establish lot lines (rather than vice versa).
- Establish lot lines based on natural or historic features such as rock walls, field edges, etc.
- Establish limits (i.e. a building envelope) within which the future house must be sited.
- Fit roads and driveways into the landscape, working within the topographic constraints; use shared driveways so as to minimize the amount of road needed.
- Keep driveway entrances off public roads and major through roads; locate them on minor/private roads.
- Arrange the lots so that they all have easy access to common land and open space.

Advice for Real Estate Professionals

- Use the ideas presented here to help market "green development" projects.
- Seek out local land trusts; they may purchase special parcels or help you find a responsible buyer.
- Provide a copy of this publication to land buyers as a special service.
- Provide a copy of this publication to land sellers to show them innovative, responsible ways to dispose of their property.



Ideas for Planning Boards

Local Planning Boards and town planners can help encourage creative approaches to subdivisions in rural areas by their words and actions. Let it be known in the town comprehensive plan, in the subdivision regulations and standards, and in the regulatory review process, what it is you want for the future of your town; then craft ordinances so that there are requirements, rewards, incentives, or bonuses for the types of developments featured here. The following are specific actions planning boards can take to promote good development, the conservation of open space, and the preservation of rural character.

☐ In your subdivision submission requirements:

1. Require two site plan submissions from developers: a conventional plan with no common open space, and a cluster plan which provides generous common open space.
2. Give priority to appropriate development or cluster projects by streamlining the approval process so that carrying costs are minimized for the developer.
3. Require a cluster approach when conventional development would destroy a certain percentage of a valued resource such as prime farmland.
4. Require that the street and lot layout be designed by a landscape architect or design firm experienced in creative development approaches.

☐ In your subdivision standards:

1. Encourage shared driveways by allowing less lot frontage as an incentive.
2. Give density bonuses in exchange for dedicated open space, but require that the open space be of value — not just left over space or areas that are not developable under the law.
3. Reward developers for including affordable housing within appropriate development projects with:
 - reduced frontage requirements;
 - reduced lot sizes;
 - an increased density allowance; and/or
 - less restrictive road width, curb, or other requirements.
4. Allow for shared or combined septic systems in exchange for smaller lot sizes.
5. Establish buffer zones that prohibit development near sensitive areas.
6. Require developers to conduct natural resource inventories of possible wildlife habitats and wetlands.
7. Rather than using a minimum lot size, establish lot size on the basis of minimum net buildable land area or gross density.
8. Require that building sites minimize impact on views and natural resources.
9. Allow attached dwellings such as townhouses in return for strict architectural standards.

III. LESSONS LEARNED

❑ Other considerations:

1. Establish land use densities that are appropriate and compatible with surrounding uses and road capacities.
 2. Enact a Planned Unit Development ordinance that allows developers more flexibility in return for more detailed site plans.
 3. Establish high density requirements or maximum lot size requirements near residential centers where it is desirable to minimize sprawl.
 4. Consider a point system which rewards developers with a density bonus, for example, for projects that protect open space or other resources.
 5. Draft a town policy that explicitly states your town's objectives in preserving rural character. Spell out why it is important to preserve open space, protect wildlife habitat and water quality, provide recreation space, develop trail systems, acquire rights-of-way, preserve active farmland, etc. This should be articulated in the Comprehensive Plan in the Goals and Policies section.
 6. Develop a town-wide open space/recreation plan with greenways, trails and wildlife corridors; then implement the plan through the subdivision review process and other means.
-

Conservation Easement Provisions

Whereas any conservation easement for a property must be written and tailored to fit the goals the owner has for the parcel, it is instructive to describe some typical provisions. The following has been condensed from the 12-page Limited Development Conservation Easement on Caterpillar Hill.

First, describe the property and explain the reasons for conserving its scenic, aesthetic, and natural values, and for limiting development.

Second, describe the rights conveyed by the easement and the land use and subdivision limitations.

Third, describe the extent of each "building envelope" and the setbacks, height limitations, and other building requirements, such as permitted materials and utility considerations.

Fourth, establish what surface alterations are or are not permitted. These should cover concerns about farming, keeping livestock, building footpaths and driveways, developing site water resources, etc.

Fifth, confirm what exterior improvements are and are not permitted. This language should address signs, outdoor lights, trailers, towers, satellite dishes, and the like.

Sixth, ensure adequate woods management provisions and clearing standards are incorporated.

Seventh, address issues that might arise regarding waste disposal, public access, construction activities, grantor rights, enforcement rights granted the easement holder, and fees and tax responsibilities.

For assistance in writing conservation easements, contact the Maine Coast Heritage Trust, a knowledgeable lawyer, and/or refer to The Conservation Easement Handbook by Janet Diehl and Thomas S. Barrett.

For More Information

Land Trusts

Maine Coast Heritage Trust
167 Park Row Brunswick, Maine 04011
(207/729-7366)

Maine Coast Heritage Trust is a clearinghouse for information about land trusts in Maine.

The Trust for Public Land 67 Battery March Street Boston, Massachusetts 02110 (617/737-6261)

The Trust for Public Land is a national non-profit conservation organization.

Local Sources

Contact your local planning board, Conservation Commission, or Town Planner.

For more information about Community Supported Agriculture and other ways to preserve farmland, call or write your local chapter of the **Maine Organic Farmers and Gardeners Association**. Their central office can be contacted at:

MOFGA
283 Water Street Augusta, Maine 04330
(207/622-3118)

Maine State Agencies

Critical Areas Program
State Planning Office
State House Station 38
Augusta, Maine 04333 (207/289-3161)

Department of Agriculture, Food, and Rural Resources

State House Station 28
Augusta, Maine 04333 (207/289-3871)

Department of Environmental Protection

State House Station 17
Augusta, Maine 04333 (207/289-7688)

Land Use Regulation Commission

State House Station 22
Augusta, Maine 04333 (207/289-2631)

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Glossary

The terms used to describe creative development can be confusing. This glossary is intended to lessen the confusion.

BUFFER STRIP A strip of land, often of uniform width, which shields open space from development.

BUILDING ENVELOPE A designated area within which a house must be built.

BUILD-OUT The maximum number of units that can be built on a parcel, taking all regulatory and site constraints into consideration.

CLUSTER ZONING Regulation allowing, or in some cases requiring, developers to concentrate housing units on smaller lots on one or more parts of a parcel, and to preserve the remaining land as open space for conservation and/or recreation.

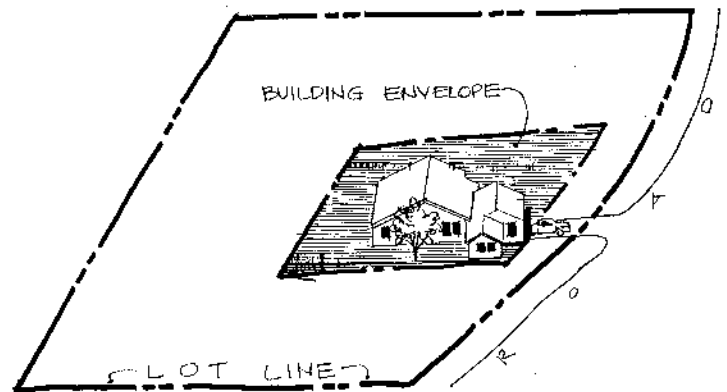
COMMON LAND A parcel of land owned by a group of abutting property owners or sometimes the public.

COMPREHENSIVE PLAN A plan drafted by a community that documents its natural resources, land uses, transportation, economic and social conditions, and describes how and where the community wants to direct future growth and conserve rural land.

CONSERVATION EASEMENT See "Easement" below.

CONTRACT ZONING Regulation allowing a governmental body to negotiate land uses and/or development density on a specific lot with the landowner. The resulting "contract" is only binding between the government and that particular landowner: the land uses permitted are not transferred to the new landowner when the property is sold.

COVENANT/ RESTRICTIVE COVENANT/ DEED RESTRICTION Restrictions on the use of land stated in the deed and which, therefore, are binding regardless of who owns the property. Deed restrictions do not assign monitoring and enforcement responsibilities and, in this regard, are not as effective as easements. In the case of joint owner-



ship of property, deed restrictions may not be permanent because the owners can vote to alter the terms of the restrictions.

DENSITY The number of families, individuals, or dwelling units per unit of land.

GROSS DENSITY The density based on all the land within a particular area.

NET DENSITY The density based on the buildable land only, and not other land used for streets, easements, common land, or land in conservation.

DESIGN STANDARDS/ARCHITECTURAL CONTROLS Public regulation of building designs, intended to preserve or enhance aesthetic value.

DEVELOPMENT RIGHTS The legal rights to develop or alter land, which may be sold or donated to a group or individual other than the landowner.

EASEMENT A grant of one or more property rights to another individual or entity by the landowner. A **CONSERVATION EASEMENT** restricts development and land management practices. Conservation easements are held by conservation groups or government entities; the restrictions are binding on current and future owners.

GLOSSARY

FEE SIMPLE A legal term describing ownership of all private property rights associated with a parcel of land and its improvements.

HOMEOWNERS' ASSOCIATION A group of property owners within a development, organized to share in and manage their common interests in open space or other amenities.

LAND TRUST A non-profit organization established to conserve open space and hold ownership or conservation easements on property deemed valuable to preserve.

NIMBY An acronym for "Not In My Back Yard;" NIMBY is used to describe individuals in the neighborhood who oppose a project.

OPEN SPACE Commonly used to mean undeveloped land, whether cleared or wooded.

OPEN SPACE/RECREATION STANDARDS Generally accepted standards related to the amount of space or type of facilities appropriate to serve different age groups or populations.

ORDINANCE A law or regulation adopted by a municipality.

PLANNED UNIT DEVELOPMENT (P.U.D) A large site planned and developed as a single entity containing one or more residential clusters, open space, and other community facilities; a P.U.D. allows more design flexibility since the plan is adopted on the basis of its design quality, not dimensional criteria.

PROPERTY RIGHTS The "bundle" of legal rights that are associated with the ownership of a parcel of land; e.g. the right to build on, mine, or otherwise use the land.

RIGHT OF WAY A strip of land, owned separately, intended to be used as an access, for utility lines, or the right of one to pass over the property of another.

SETBACK A required minimum distance between the street right-of-way, waterfront, or lot line, and a building.

SHORELAND ZONING Land use regulations meant to control activities near water bodies in order to prevent water pollution and soil erosion, and to conserve natural beauty and open space.

SITE PLAN A map or drawing showing the existing or proposed development of a parcel of land as seen from above.

SUBDIVISION Generally, the division of a single parcel of land into two or more lots. In Maine, the division of a single parcel into three or more lots of less than 40 acres, for sale or lease, within any 5 year period.

THIRD PARTY RIGHTS Rights granted by a landowner to an organization other than a conservation organization which accepted conservation easements on the land. The third party acts as a backup in case the conservation organization ceases to exist, and/or fails to enforce the terms of the conservation easement.

