

**TOWN OF FALMOUTH
HOMESTEAD FARMS SUBDIVISION
CONTRACT ZONING AGREEMENT
CONDITIONS, RESTRICTIONS AND REQUIREMENTS**

For consideration by the Town Council for MRA hearing notice as required – February 12, 2018

1. Changes to existing zoning requirements:

Div. II-19-14 (Village Mixed Use District (VMU))

Dimensional requirements:

Residential Lots:	Proposed	Current
Minimum Lot Width	50 feet	150 feet
Minimum setbacks for residential lots:		
Front	10 feet	25 feet
Side	8 feet	15 feet
Minimum Net Residential Area per lot	0 sf	10,000 sf

Retail/Commercial Lots:

Minimum setbacks for Retail/Commercial lots:		
Front	0 feet	25 feet
Maximum setbacks for Retail/Commercial lots:		
Front	20 feet	0 feet
If a building within the Retail/Commercial area contains a dwelling within it the Retail/Commercial setbacks shown above will apply.		

Div. II-19-53

Maximum building height	3 stories/45 feet	2.5 stories/35 feet
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Building Separation:

No building separation is required in the contract zone.

Div. II-19-69

Rate of Residential Growth Requirements:

1. Any dwelling unit sold to a single person who is 55 or older or to a family with at least one member who is 55 or older shall be exempt from the requirement of a growth permit.

2. Growth permits issued for dwellings that are sold to a single person who is 55 or older or to a family with at least one member who is 55 or older, shall be transferable and not counted toward the Town’s annual growth cap in effect at the time of first sale.
3. A minimum of 32 single family dwellings within the subdivision shall be considered “Entry Level Housing” which shall mean that they are originally sold at a price of no more than that considered as affordable under Sec. 19-69-d-4 (calculated by Maine State Housing Authority at \$280,000.00 in 2016). It is anticipated that amount will increase over the life of the subdivision. A deed restriction shall limit any subsequent sale to the original sale price for a period of three years from the date of the original sale. No accessory dwelling units will be allowed on lots with entry level dwelling units.

2. Permitted uses and restrictions on uses in the VMU District:

(Permitted uses in Div. II-19-14)

- a. Single-family dwelling units.
- b. Two-family dwelling units (minimum of 12 units, maximum of 24 units) for the residential area of the project.
- c. Maximum number of total dwelling units in residential areas as shown on Exhibit 2: 153.
- d. Entry level single-family dwellings
 - i. Minimum of 6 and maximum of 15 entry-level dwelling units per phase.
 - ii. Minimum of 32 entry-level single-family dwelling units for entire project.
- e. Non-residential uses allowed in the VMU zoning district for the identified Retail/Commercial Areas as shown on Exhibit 2. Residential density in this area is subject to existing net residential area requirements (calculated based upon the entire contract zone area) but is not subject to the limits in subsection c.
- f. Public spaces, including parks and pedestrian trails.
- g. Accessory uses and structures except as restricted above under Rate of residential growth.

3. Changes to subdivision requirements:

Ch. II-7Appendix 7-5-E

Street Design Standards:

	Proposed	Current
Minimum distance between intersections on the same side:	200 feet	400/300 feet
Minimum distance between intersections on the opposite side:	200 feet	250 feet
Collector street minimum pavement width:	24 feet	34 feet
Subcollector street minimum pavement width:	24 feet	30 feet
Local street minimum pavement width:	22 feet	24 feet
Minimum right-of-way width (Collector/ Subcollector):	50 feet	60 feet
Minimum right-of-way width (Local/ Minor Local):	40 feet	50 feet

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Minimum centerline radius (Collector/ Subcollector):	150 feet	230 feet
Minimum tangent between curves of reverse alignment:	75 feet	100 feet
Sidewalk width	5 feet	4 feet
Roundabouts to be allowed (consistent with Exhibit 5 of Agreement)		

CH. II-7 App. 7-1.C.3.b

Wetlands Setback:

25-foot structure setback from wetlands greater than 4,000 square feet in size. (Current requirement is 50 feet except in Exit 10 Master Planned Development District).

4. Other developer obligations/requirements concerning physical development or operation of the property – The development shall be constructed in three phases, with the construction as noted in Exhibit 3.

- a. Design and construction of a public park and conveyance of the same (at the developer’s expense) to the Town prior to the issuance of the 31st occupancy permit for the project.
- b. Creation of two private passive recreation areas, to be owned and maintained by the Homeowners Association.
- c. Creation of open space, to be owned and maintained by the Homeowners Association with conveyance of a public access easement of the same to the Town.
- d. Construction of public trails in accordance with established schedule and conveyance of public access easement of the same to the Town.
- e. Assist the Town in acquiring a license agreement with the Maine Turnpike Authority to facilitate trail access to Marston Street.
- f. Payment of fees:
 - i. General impact fee: \$1,300.00 per dwelling unit (includes growth permit fee).
 - ii. Wastewater connection fees: \$2,000.00 per dwelling unit.
- g. Prohibit more than two single-family dwelling units in a row with the same building design.
- h. Installation of solar will not be excluded in the project design covenants.
- i. Construction during Phase 2 of a minimum of 3,000 square feet of retail/commercial use in the northerly retail commercial area. No more than 25% of the first-floor space in this area may be utilized for residential use.
- j. Location of utility services must be underground (electric, plus cable and telephone if provided; electric to run from pad-mounted transformers).
- k. Establishment of phasing schedule for development and posting of performance guaranties.
- l. Installation of landscaping in street ROWs, to consist of native species.
- m. Installation of sidewalk on at least on side of subdivision streets.
- n. Conveyance of a public access easement to the Town of all streets upon the placement of the base course of pavement.

- o. Development and execution of an invasive species eradication program in cooperation with the Town's roadside program to be paid for by the Developer.
- p. Street design in the residential areas shall accommodate informal on-street parking on at least one side of the street.
- q. The street segment from Route 100 to the roundabout shall be designed to accommodate designated on-street parking on both sides of the street.
- r. Maintenance easement of at least five feet on either side of the street ROWs will be offered to the Town with any application for street acceptance.
- s. Trail connection shall be constructed between the areas of Phase 1 and Phase 2 prior to the issuance of the first certificate of occupancy of any dwelling unit in the southerly area of Phase 2. (See Exhibit 3)
- t. Trail connection shall be constructed from Road B to the church property prior to the first certificate of occupancy in Phase 1.
- u. Street lighting on Road B from Route 100 to the roundabout shall be consistent with that utilized by the Town in the reconstruction of Route 100.
- v. All development shall be served by sanitary sewer. Onsite septic systems are prohibited.
- w. Developer shall pursue natural gas as an energy option.

4. Town's agreement:

- a. Rezoning of the property.
- b. Acceptance of wastewater from the development.

5. Other provisions.

- a. Enforcement for violations of agreement/rezoning.
- b. Except as expressly modified by agreement, project is subject to any applicable regulations and ordinances of the Town.