

#310 Cluster Development

Cluster development is the grouping of single-family dwellings—but not duplex dwellings—closer than otherwise permitted by this ordinance, while preserving open space. The total number of single-family lots in a cluster subdivision shall not exceed that permitted if the entire parcel were divided into conforming lots.

All new major subdivisions for residential use shall use a Cluster Subdivision Design approach.

Exemptions - Subdivisions shall be exempt from the requirements of this section (unless a landowner elects to follow the standards of this section) if:

(a) The subdivision creates lots that are, on average, equal to or greater than 435,600 square feet (10 acres) in size and provided the deed for each lot created contains a restriction prohibiting the further subdivision of the lot; or

(b) The subdivision creates three (3) or fewer dwelling units, does not require a new road and there is no possibility of further subdivision.

Notwithstanding other provisions of Washington's LUO, authority is hereby granted to the Planning Board, as allowed under RSA 674:21II, to issue a special use permit as follows:

(1) The Planning Board may issue a special use permit for the parcel to be developed as a conventional subdivision when it finds that:

(a) The parcel is ill-suited for development using Cluster Subdivision Design, or a conventional design provides greater or equal benefits to the community; and

(b) The conventional subdivision design retains and protects important natural and/or cultural features identified during the site inventory.

(2) The Planning Board may issue a special use permit to modify the conventional dimensional standards to allow for a modified Cluster Subdivision design as well as to vary certain requirements of this section as specified herein. Such modifications shall be consistent with the purposes and standards of this section; fall within the guidelines contained herein, and shall not be detrimental to public health, safety or welfare.

The total area of the parcel/development shall be at least 10 acres.

The minimum lot size for each dwelling shall be one acre of Buildable Area, with a minimum road frontage of 100 feet. (Approved 2007)

Lots of less than one acre shall be permitted provided that the Designated Open Space is increased proportionally. (Approved 2007)

Each dwelling in a cluster development shall face and be accessed by an interior subdivision road.

Provision shall be made for at least 50% of the Buildable Area of the parcel plus at least eighty percent (80%) of the Non-buildable Area, to be permanently protected as Designated Open Space. All owners with deeded rights to the Designated Open Space shall have access to said land. (Approved 2007)

Portions of the parcel that comprise part of an individual house lot, roadway, driveways, access roads, roadway right-of-way, utility easements, or other new or existing rights-of-way, or any area that is less than 100 feet wide shall not count toward the calculation of the Designated Open Space.

Areas containing the following shall be considered high priority for inclusion in the Designated Open Space:

1. Riparian areas, wetlands, streams, vernal pools, and other water resources and buffers for those resources;
2. Areas identified as a priority for conservation in the Washington NRI, land including critical or high-quality habitat areas, including areas identified as the highest statewide or eco-region importance by the NH Fish and Game's Wildlife Action Plan and buffers or supporting landscapes to these areas;
3. High-quality forested areas, significant stands of trees or significant individual trees;
4. High-quality soil resources (forest or agricultural soils);
5. Cultural and historic resources (e.g., stone walls, historic sites);
6. Existing trails;
7. Areas that connect to undeveloped open space on adjacent properties;
8. Ridgelines, particularly those that continue through the parcel;
9. Viewshed areas; and
10. Water supply protection areas;

A site-specific inventory will be required prior to designing the subdivision and a map will be created indicating the location of all such areas on the site and within 500 feet of the site. A site walk with the Planning Board and other applicable Town Boards will be required after the inventory is completed.

The location and layout of the Designated Open Space shall minimize the impact of a residential development on the natural environment, neighboring properties, and the Town.

Any use of the Designated Open Space is subject to approval of the Planning Board and Conservation Commission and shall demonstrate that such uses shall not negatively impact the natural and/or cultural features preserved through the Cluster Subdivision design. The following uses generally are permitted in the Designated Open Space, unless specifically prohibited or restricted as a condition of subdivision approval for the purposes of protecting important natural features or characteristics of the parcel:

1. Forest management;
2. Agricultural cultivation and grazing pastures;
3. Passive (non-motorized) trails and recreational uses; and
4. Snowmobile trails.

The Designated Open Space shall be retained in a natural, undisturbed state, except for those activities permitted as provided above, or managed according to a plan written by a qualified natural resource professional.

Future development in and/or subdivision of Designated Open Space shall be prohibited and shall be so noted on the approved subdivision plan/plat.

Prior to the sale of any lots, the Designated Open Space shall be protected and controlled by one or more of the following methods subject to Planning Board approval:

1. Dedicated to the Town as open space, with public access and permanent Deed Restrictions or Conservation Easement in place;
2. Transfer; with permanent Deed Restrictions or Conservation Easement, to a land trust or other recognized conservation organization (subject to acceptance by the organization);
3. For Designated Open Space areas of less than 50 acres, ownership by one or more private individuals (separately or in common) or by an association of the owners of the dwelling units within the subdivision (i.e., homeowner's association) with open space protection Deed Restriction enforceable by any land owner within the association, any owner of separate land parcels adjacent to the open space, or the Town; or
4. Ownership by one or more private individuals (separately or in common) or by an association of the owners of the dwelling units within the subdivision (i.e., homeowner's association) with a Conservation Easement granted to the Town and/or recognized conservation or land trust organization.

In the event that the designated open space is owned by a cooperative legal entity for the benefit of the residents of the subdivision, all common open space shall be governed in accordance with the requirements of New Hampshire RSA 479A: 1-23 inclusive as amended.

Said Deed Restrictions and/or Conservation Easement documents shall be placed on file with the Town Clerk upon receipt of Planning Board subdivision approval and duly recorded at the County Registry of Deeds, where appropriate. Such documents shall clearly indicate whether the property is open to the general public, open only to residents of the Town, or open only to residents of the subdivision.

Lots of less than one acre shall be permitted provided that the common land is increased proportionally. (Approved 2007)