



Town of Bowdoinham

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Memo:

To:	Select Board Cc: Planning Board	Date:	April 25, 2022
From:	Jenn Curtis, Director of Planning & Development;	Reference	Proposed Amendments to allow Accessory Dwelling Units in Residential Agricultural District

History:

Timeline:

- The first round of proposed language was shared with the Comprehensive Planning Committee in December 2021. The Committee was in favor of the proposed allowances for modest increases in accessory dwellings and subdivision density. They want to have a broader discussion about lot sizes and residential density for single lot development in the Residential Agricultural District (R/A District). As a result, staff have tabled the proposal to decrease the minimum lot size of single lots.
- The Planning Board reviewed the proposed language on January 27, 2021 and wanted to discuss the potential impacts of a density bonus for cluster development. Staff considered the discussion updated the proposal to incentivize cluster development in order to maximize current density
- The Planning Board reviewed the update on February 24, and recommended that the Accessory Dwelling Unit allowance in the Residential Agricultural District move forward, but they felt a more in-depth process to determine the best approach to changes in density and lot sizes should be done before making changes to the subdivision lot dimensional requirements.
- Staff refined the general performance standards for Accessory Dwelling Units based on concerns and recommendations that were raised during February Planning Board review.
- A public hearing was held at the Planning Board meeting on March 24, 2022. One member of the public submitted testimony in favor. Chair Drummond proposed changing “An” to “One” in the footnote for clarity.
- The Select Board reviewed the updated proposal at their regular meeting on April 12, 2022 and requested that staff incorporate language that would prohibit newly created accessory dwellings in the Residential Agricultural District from being used for short term rentals. Updates since then to address this include:
 - A definition of short-term vacation rental was added.



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- Accessory Dwelling definition was expanded to clarify that it would only apply to lots in the R/A with less than 1 acre per dwelling.
- An additional standard was added to proposed Accessory Dwelling performance standards to prohibit their use as short-term vacation rentals
- Short-term vacation rental performance standards were added, to prohibit the use of a dwelling in the R/A located on a lot with more than one dwelling, unless the lot has more than one acre per dwelling. (Otherwise, folks could just subvert the intent by creating an ADU, moving into it, and then using their primary structure as a short-term rental).

These changes, taken together, will still allow the newly created accessory dwellings or primary dwellings on the same lots as accessory dwellings to be used as rental units, but they would need to be rented out for periods of more than 30 days, and not for the purpose of vacationing. This preserves their use as rentals for workforce housing or community-member housing, as per the intent of the proposal. It also does not restrict existing short term rentals, or short term rentals located in the Village districts, or on lots in the R/A with more than one acre per dwelling unit. The proposed updates are slightly redundant, but for good reason –if an accessory dwelling unit is being created with the intent of using it as a short-term rental, or with the intent of it being used as a residence and the primary structure being used as a short-term rental, the standards will clearly apply:

Basis Statement:

The Town of Bowdoinham, and the State of Maine are currently facing a housing shortage crisis. The desire for a variety of adequate housing options far exceeds the demand. In 2020, the Maine State Housing Authority Affordability Index for Maine Cities and Towns indicated that the median home price in Bowdoinham was \$310,000 and the income needed to afford the median home (\$85,561) was more than \$10,000 per year higher than the median income (\$74,309), illustrating the problem with availability of adequate housing. The website, Realtor.com states that the median listing home price in Bowdoinham, ME was \$347,500 in October 2021.

Smart Growth economic and community development principles encourage residential developments to be more dense, to allow for more users per the amount of infrastructure required to serve them. Housing that is closer together and shares infrastructure such as water, wastewater disposal, and vehicular and pedestrian access is not only more efficient use of land, but also less expensive for the town and the resident, per dwelling unit.

Diverse and cluster types of housing are supported by the 2014 Comprehensive Plan, as noted below, and, based on data from the first public forum held by the Comprehensive Planning Committee to revise the vision for an update to the plan, it is still strongly supported in 2021. For these reasons staff propose

~~–Decreasing the minimum lot size in the Residential District to 30,000sf.~~



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- Allowance of an Accessory Dwelling Unit to allow for a modest and efficient increase in allowable dwelling units on lots in the Residential Agricultural District. Those containing enough land to satisfy the residential density are already allowed to do so (if they have more than 2 acres, they have adequate acreage for more than 1 dwelling unit). There are currently 364 lots that are between 1 and 2 acres in size, that may currently only have one dwelling unit. With this change, they would be allowed an accessory dwelling unit.
- ~~Decreasing the minimum lot size in a subdivision to 20,000 sf, the minimum road frontage to 75 feet on internal subdivision roads, and the front yard setback to 20 feet on internal subdivision roads, without changing the net residential density. These changes, taken together, would allow for a smaller footprint of development in a subdivision, while still requiring the same overall amount of land be included, per lot, thereby allowing for a lower cost of development per unit and increasing the likelihood that all of the allowed density can be used. If small lots are allowed, it will be easier to design a subdivision that has the maximum number of allowable lots, while avoiding placing lots near required primary and secondary conservation areas. The net effect would be allowing for a less expensive, more efficient development that can more easily avoid impacts to high value natural resources.~~

Compatibility with the Comprehensive Plan:

The 2014 Comprehensive Plan housing goals call for allowing diverse housing types, and the recommendations include to allow diverse housing types including cluster and co-housing. The Land Use Recommendations include “Allow for smaller lot sizes, but limit the residential density in the Rural Area.”

A subdivision ordinance change that incentivizes more open space is supported by goals to promote forest management, safeguard agricultural resources, manage and protect critical natural resources, and manage and protect water resources.

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ARTICLE 2. DEFINITONS

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Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

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1. Accessory dwelling: An independent dwelling unit that has been added onto, or created within, a single-family detached dwelling, or is an accessory building to a single-family detached dwelling on a lot in the Residential Agricultural District and with less than 1 acre per dwelling.

...

Shoreline: The normal high-water line, or upland edge of a freshwater or coastal wetland.

Short-term Vacation Rental: A residential property that is rented for vacation, leisure, or recreation purposes for fewer than 30 days

ARTICLE 4. PERFORMANCE STANDARDS

B) Accessory Dwelling

An accessory dwelling shall meet the following standards:

- 1) An accessory dwelling unit shall be limited to a gross floor area of 2/3 of the gross floor area of the principal structure, if the principal structure is over 2,500 sq/ft.
- 2) The Single-Family Dwelling and the accessory dwelling must comply with Maine Subsurface Wastewater Disposal rules
- 3) Either the single-family dwelling or the accessory dwelling unit must be occupied by the owner of the property. At least one of the units shall be occupied as a primary residence.
- 4) If the accessory dwelling unit is to be located within a non-conforming structure of record, the accessory dwelling unit must be constructed so that the structure is not made more non-conforming.
- 5) If the accessory dwelling until is to be constructed separate from the single family dwelling it must meet all applicable setbacks.
- 6) If the accessory dwelling unit is to be in the shoreland zone and/or the floodplain, the accessory must be considered a dwelling unit and meet all applicable dimensional requirements.
- 7) An accessory dwelling unit shall be counted as a dwelling unit subject to State of Maine Subdivision law at MRS §4401 and Town of Bowdoinham Road Standards.
- 8) Shall not be used as a short-term vacation rental.

...

K) Short-term Vacation Rental:

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Short-term vacation rentals must meet the following standards:

- 1) When located in the Residential Agricultural District, short-term vacation rentals shall not be located on a lot with more than one dwelling, unless the lot has more than one acre per dwelling.

ARTICLE 5. LAND USE DISTRICTS

Residential/Agricultural District-

1) Dimensional Requirements:

a) For All Lots Which Do Not Meet Subsection b below.

- (i) Minimum Lot Size – 1 acre
- (ii) Maximum Residential Density – 1 acre¹
- (iii) Minimum Road Frontage² - 150 feet
- (iv) Minimum Setbacks for Buildings³ –
 - (A) Front Yard - 50 feet
 - (B) Side Yard - 10 feet
 - (C) Rear Yard - 10 feet

b) Lots Which Are Within A Subdivision (which is created after June 10, 2009).

- (i) Minimum Lot Size – 1 acre

¹ One Accessory Dwelling Unit that meets the standards of Article 4, Section B, shall be allowed

² The Minimum Road Frontage requirement may be waived by the Code Enforcement Officer if the property meets the Back Lot Performance Standard in Article 4, Section B.

³ The setback shall be the minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and decks. Except that, ramps needed for disability access into a principle dwelling shall be exempt from the minimum setbacks.

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- (ii) Maximum Net Residential Density – 1 acre
 - (iii) Minimum Road Frontage - 150 feet
 - (iv) Minimum Setbacks for Buildings –
 - (A) Front Yard - 50 feet
 - (B) Side Yard - 10 feet
 - (C) Rear Yard - 10 feet
 - (v) Open Space Requirement - 25% of Net Residential Area
- c) Structures shall not cover more than 20% of any lot. ⁴

D) Village I District-

1) Dimensional Requirements:

- a) Minimum Lot Size – 20,000 sq. ft.
- b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft. ⁵
- c) Maximum Residential Density – 20,000 sq. ft.
- d) Minimum Road Frontage - 75 feet
- e) Minimum Setbacks for Buildings –
 - (i) Front Yard - 20 feet
 - (ii) Side Yard - 10 feet
 - (iii) Rear Yard - 10 feet
- f) Maximum Building Height – 35 feet
- g) Structures shall not cover more than 30% of any lot. Lots legally non-conforming due to lot size may have up to 50% structure coverage.

⁴ Structures may cover up to 30% of lots that are legally non-conforming due to lot size.

⁵ A subdivision shall not exceed the maximum residential density for the district.

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E) Village II District-

1) Dimensional Requirements:

- a) Minimum Lot Size – 30,000 sq. ft.
- b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System – 10,000 sq. ft.⁶
- c) Maximum Residential Density – 20,000 sq. ft.
- d) Minimum Road Frontage - 100 feet
- e) Minimum Setbacks for Buildings –
 - (i) Front Yard - 30 feet
 - (ii) Side Yard - 10 feet
 - (iii) Rear Yard - 10 feet
- f) Maximum Building Height – 35 feet
- g) Structures shall not cover more than 30% of any lot.

TABLE 5.1 – LAND USES PERMITTED IN ZONING DISTRICTS

KEY

District -

R/A– Residential/Agricultural District

VDI – Village I District

VDII – Village II District

Reviewing Authority –

A - Allowed without a permit

RC– Permitted with permit from Road Commissioner

⁶ A subdivision shall not exceed the maximum residential density for the district.

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CEO – Permitted with permit from Code Enforcement Officer

LPI – Local Plumbing Inspector

PB – Permitted with permit from Planning Board

SPR – Site Plan Review permit

SB – License from Select Board Required- SBA - Annual License and SBM – 5-year license

P – Permit Required

NP – Not permitted

<u>LAND USES</u>	<u>DISTRICT</u>		
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
...	...		
Residential Uses			
...	...		
<u>Single-family dwelling</u>	<u>CEO¹</u>	<u>CEO¹</u>	<u>CEO¹</u>
<u>Accessory Dwelling Unit</u>	<u>CEO & LPI</u>	<u>NP</u>	<u>NP</u>