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MAKING SCHOOLS IMPORTANT TO NEIGHBORHOODS AGAIN

A Joint report by the State Board of Education and the State Planning Office submitted to the Natural Resources Committee.

In 2000, the Maine Legislature requested in LD 2600 that the State Planning Office and the State Board of Education submit a joint report with recommendations regarding land use ordinances and zoning ordinances near newly constructed schools. This report is in response to that request.

The Maine Legislature also requested that the State Board of Education adopt rules relating to siting of new school construction projects in preferred areas. These preferred areas include locally designated growth areas, as identified in the local comprehensive plan, or other areas suited to accommodate development. The new rules have been drafted and reviewed through the APA process and now await final Legislative approval.

The following are our recommendations regarding land use ordinances and zoning ordinances near newly constructed schools**:**

LAND USE ORDINANCE PROVISIONS RELATING TO NEW SCHOOLS

A. Allowed Uses

If schools are to serve as neighborhood centers, the community's land use regulations need to allow appropriate types of development in proximity to the school while excluding uses that are not compatible. The community's zoning or other land use regulations need to strike a balance to assure that the school can be part of 1) a vibrant neighborhood while 2) excluding potentially undesirable uses.

In some communities, the local zoning and land use regulations prohibit the creation of neighborhoods due to lot size, road frontage requirements and the prohibition of new roads. Other town regulations restrict schools to what are essentially residential only districts while some other communities allow schools to be located in any zoning district without any real consideration of what is appropriate near schools.

The uses allowed in the zone or district where the school will be located should address the following:

1. ***Desirable Neighborhood Uses*** – Residential uses and many nonresidential uses make appropriate school neighbors. While schools can function in a residential only environment, the school neighborhood can also include other uses and activities that create vitality and interest. The community's zoning regulations should assure that a wide range of these uses are allowed adjacent to the school. These uses include:

- single and two family homes
- multifamily residential uses such as apartments and townhouses

- community facilities such as places of worship, libraries, community and recreation centers, day care facilities, parks and playgrounds, and similar facilities
- commercial uses such as home occupations, small scale business and professional offices, medical offices and clinics, veterinary hospitals, personal services, and other relatively low intensity nonresidential uses
- small scale retail uses such as neighborhood or convenience stores, bakeries, etc.
-public uses such as parks, playing fields and recreation centers.

2. ***Undesirable Neighborhood Uses*** – The local land use regulations should also assure that inappropriate uses cannot be located near a school or on principal walking routes to the school. In general, uses that generate high volumes of traffic or large numbers of commercial vehicles or that have some characteristic that poses a potential risk to the school should be excluded from the immediate school neighborhood. Potential undesirable uses include:

- large retail uses and complexes with an automobile orientation
- manufacturing and industrial uses
- trucking and distribution facilities
- warehousing
- social and fraternal clubs
- adult businesses
- certain public utilities such as electrical substations

B. Density of Residential Development

The role of the school as a neighborhood center is possible only if children in the neighborhood are able to walk or bike to the school. This means that the area near the school must allow for residential

development at reasonable densities. The objective should be to allow compact residential development within one-half mile of the school site.

1. ***Permitted Sewered Development Density*** – In areas that are serviced by public water and sewerage, the community's land use regulations should allow single family residential development at a density of at least three units per acre with consideration of higher densities for two family and multifamily housing.

2. ***Permitted Unsewered Development Density*** **–** In areas that are not serviced by public sewerage, the issue is more complex. In general, local land use regulations should allow single family residential development at a density of one to two units per acre (20,000 to 40,000 square foot lots) unless there are environmental considerations such as a location over a sand and gravel aquifer or poor soils that require lower density development. If public or community water service is available, a density at the higher end of this range should be considered. However, if homes must rely on on-site water supplies, a density at the lower end of the range may be necessary. The local land use regulations should also consider allowing for higher residential densities if engineered wastewater treatment systems approved by the State of Maine are used for sewage disposal.

3. ***Minimum Development Density*** – The land in close proximity to a school is a very limited quantity. Maximizing the utilization of this resource to create compact residential neighborhoods should be the objective of the community. Traditionally, communities have thought in terms of "minimum lot size" or "maximum density" requirements. Zoning ordinances typically mandate that all lots in a certain district must meet a certain minimum lot size or area. This type of provision does not assure the land in proximity to the school will be fully utilized, and oftentimes actually prohibits the creation of walkable neighborhoods due to excessive road frontage and lot size requirements. One approach beginning to be used to address this issue is to establish a

maximum lot size or **minimum density provision** to assure that this scarce resource is well utilized and results in walkable neighborhoods.

C. Pattern of Development

Areas that are adjacent to schools should be designed to be compact, pedestrian friendly neighborhoods. A number of factors contribute to creating this type of neighborhood:

1. ***Lot Width*** – Lots that front on local streets within the neighborhood should be relatively narrow to minimize walking distances. Many communities establish minimum street frontage or lot width requirements. The community should evaluate if there is a real public need for such requirements on local residential streets. If the community has or feels that a minimum street frontage or lot width requirement is needed, this should be coordinated with the lot size provisions to allow the creation of lots that are deeper than they are wide. In sewered areas, minimum requirements of 50 feet to 100 feet are adequate while in unsewered areas, minimum requirements of 75 feet to 150 feet are adequate. Since lot width is a critical factor in terms of walking distance to an elementary school, communities should consider creating a **maximum street frontage** or maximum lot width provision to assure that walkability is maximized. Typical provisions of this type provide some design flexibility such as requiring that the average street frontage cannot exceed the standard or that only a small percentage of the lots can exceed the maximum.

2. ***Street Width*** – Street design plays a critical role in developing pedestrian friendly neighborhoods. Wide streets encourage motorists to drive faster. The community's street design standards should require the use of so-called "skinny streets" in residential neighborhoods. Local residential streets can typically provide adequate residential access with a pavement width of 20 to 24 feet and still accommodate on-street parking and emergency access. Cars parked on the street also tend to slow down existing traffic.

3. Snow Removal for Safety - Given Maine winters, prompt and proper maintenance and snow removal is critical to maintain a safe pedestrian environment. Local policies and practices should assure that sidewalks are kept clear of snow and ice during the winter.

D. Street Pattern/Connectivity

Development of the area adjacent to the school should provide for easy vehicular access to the school without creating related safety problems. The street pattern should allow residents of the adjacent neighborhoods to drive easily to the school without having to use the arterial street/road network but should not allow high speed traffic and should also minimize cut-through traffic, especially on streets where children may be walking or bicycling to school. The Town's subdivision or street ordinance should require that local streets in residential neighborhoods be interconnected and that new developments continue this pattern and provide for the future extension of the street network where appropriate. A pattern of multiple dead end streets or cul-de-sacs off a major road should not be allowed unless this is part of an overall circulation plan for the neighborhood. At the same time, the Town's ordinances should discourage high volumes or high speeds within the neighborhood. The subdivision or road standards should encourage the use of T intersections and discourage, or even prohibit, connecting two major streets or roads with local, residential streets through the neighborhood.

The following provision is an example of the type of standards that should be included in the community's subdivision or street ordinance:

Street Layout -

E. Pedestrian and Bicycle Connections

The development of the areas adjacent to the school must allow the opportunity for residents of these neighborhoods, including school children, the opportunity to walk and bike to the school in a safe and pleasant environment. The community's land use regulations (such as the subdivision ordinance) should assure that suitable provisions are made for pedestrians and bicycles as part of any development proposal. This access can be accommodated in a variety of ways. In some situations, requiring the construction of paved sidewalks along neighborhood streets and the primary access to the school may be appropriate. In other cases, the construction of pedestrian paths or bikeways outside of the street right-of-way may be the preferred approach. A combination of sidewalks and paths may be the best approach.

F. Open Space, Parks, and Recreation Areas

Schools, especially elementary schools, typically function as a neighborhood playground and recreation area. At the same time, it can function as part of a larger network of neighborhood green space especially when it is located in an undeveloped area. The community's land use regulations should require that subdivisions in the vicinity of the school set aside open space that connects to and coordinates with the school site to create a neighborhood green space network. This can be accomplished through the creation of paths and bikeways linking to the school, the creation of multi-use easements along drainage ways, streams, and utility corridors and the reservation of open space as part of the subdivision process.

Towns should assume some responsibility for community building, and not rely solely on regulatory means and exactions to insure that growth occurs in a coordinated and connected fashion. While exactions, impact fees, and payments in lieu of taxes are used to help defray some of

those costs, towns will also want to be sure that their municipal investments and capital improvements program supports compact neighborhood development and the public spaces and facilities associated with them.

Differences between Schools

We tend to think of the elementary school as best suited for fitting into an in-town or village setting. Middle schools may serve a geographic area larger than an elementary school, and middle schools usually have additional land area requirements for athletic fields, although satellite facilities often prove to be both adequate and suitable. A high school typically serves a large geographic area and--if students are allowed to drive to school-- has much higher levels of vehicular traffic than do middle or elementary schools. In many communities, School Unions, and School Administrative Districts, the middle school or high school is a town-wide or district-wide facility. In addition, the large land area typically involved with high school facilities lend additional challenges to locations adjacent to compact residential neighborhoods. Despite these challenges, the benefits of having walkable neighborhoods next to even some of our larger middle and high schools is valued in a number of communities in Maine.

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In addition to the recommendations above, the State Planning Office, as part of its "Hometown Maine" initiative to stem sprawl and encourage traditional neighborhood development, is preparing a "Model Municipal Smart Growth Handbook" which will cover in detail model ordinance provisions which will be helpful to communities which wish to address this report's recommendations. The Handbook is expected to be completed in the summer of 2001.

Addenda

Addendum A is a provisionally adopted rule, pending before the Legislature, which sets forth the process and considerations to be used by the State Board of Education for review and approval of sites for new school construction.

Addendum B is a set of two School Neighborhood Concept designs illustrating possible development in an area without public sewer and water (**Area A**) and an area with public sewer and water (**Area B**). Both Concept designs give an idea of how a compact, walkable neighborhood might be designed to provide a quality residential environment within walking distance to the school and other amenities such as stores and a village common. In order to be representative of the types of environmental and site constraints common in Maine, both Concept Designs reflect constraints found at two existing (unnamed) sites in the State.

Addendum A: Provisional Rule

This is a provisionally adopted rule, pending before the Legislature, which sets forth the process and considerations to be used by the State Board of Education for review and approval of sites for new school construction.

Addendum to report:

Making Schools Important to Neighborhoods Again:

A Joint Report by the State Board of Education and the State Planning Office

Submitted to the Joint Committee on Natural Resources

May, 2001

05-071 DEPARTMENT OF EDUCATION

Chapter 60 New School Siting Approval

Summary: This rule governs State Board of Education action in the siting of new school construction projects, not including additions to existing schools, that receive state funding.

1. Applicability

This rule applies to the siting of all new school construction projects that receive state funding, including major capital improvement projects as defined in Maine Department of Education Reg. 61 (April 4, 2000) if the major capital improvement projects are not additions to existing schools and are projects that receive state funding.

2. Request for Site Approval

School administrative units requesting site approval must submit the application materials described in Maine Department of Education Reg. 61, Rules for School Construction Projects, Section 4 no later than one month prior to the meeting of the State Board of Education at which the request is scheduled to be considered.

3. Considerations

When reviewing a request for site approval, the State Board of Education must consider the following:

A. the adequacy of the site to provide for the long-term educational program space needs and playfield requirements of the school administrative unit;

B. the comprehensive enrollment analysis for the school administrative unit;

C. a comprehensive and complete “Renovation-vs.-New-Analysis” of the existing building and site;

D. community involvement in the selection process;

E. site development costs, both on and off the primary location of the project;

F. the impact on student transportation, vehicular traffic and student safety;

G. the allowance for future expansion;

H. the proximity to power, water, and sewerage facilities;

I. subsurface analyses of soils and ledge;

J. the survey of the site for wetlands; and

K. the environmental issues related to the site.

4. Additional Considerations Required for Requests for New Schools on New Sites

A. When a school administrative unit's request for site approval specifies that a new school on a new site is the school administrative unit's preference, the State Board of Education must consider the preferred areas for school siting defined below in addition to the considerations listed in (3), above:

i. a locally designated growth area identified in the municipality's comprehensive plan adopted pursuant to the Maine Revised Statutes, 30-A, chapter 187, subchapter II; and

ii. in the absence of a comprehensive plan:

a. an area that, if served by a public sewer system, has the capacity for the school construction project;
b. an area identified by the latest Federal Decennial Census as a census-designated place; or
c. a compact area of an urban compact municipality.

B. When a site is requested that is not a preferred area as defined in (4)(A)(i) or (4)(A)(ii), above, the school administrative unit must provide a written explanation of its site selection for State Board of Education consideration prior to the meeting scheduled by the State Board of Education for review of the school administrative unit's request for site approval.

5. Review and Decision

A. The Construction Subcommittee of the State Board of Education must consider all the factors listed in (3) and (4), above, before forwarding its recommendation regarding the request for site approval to the State Board of Education.

B. When site approval for a new school on a new site that is not a preferred area as defined in (4)(A)(i) or (4)(A)(ii), above, is recommended by the Construction Subcommittee of the State Board of Education, the Sub-committee must provide written justification for its recommendation to the State Board of Education. The written justification must include any and all considerations that provide the basis for recommending a location that is not in a preferred area as defined in (4)(A)(i) or (4)(A)(ii) and must be made a part of the written record of the State Board of Education.

C. The State Board of Education must consider requests for site approval no later than two (2) regularly scheduled State Board of Education meetings prior to the State Board of Education's consideration of concept approval for the same project as defined in Maine Department of Education Reg. 61, Rules for School Construction Projects, Section 1(A)(1).

D. When considering a request for site approval, the State Board of Education will involve all appropriate federal, state and local agencies. However, the decision regarding final site approval rests entirely with the State Board of Education.

AUTHORITY: P.L. 1999 c. 776, §21

EFFECTIVE DATE:

Addendum B: School Neighborhood Concept Designs

This is a set of two School Neighborhood Concept designs illustrating possible development in an area without public sewer and water (**Area A**) and an area with public sewer and water (**Area B**). Both Concept designs give an idea of how a compact, walkable neighborhood might be designed to provide a quality residential environment within walking distance to the school and other amenities such as stores and a village common. In order to be representative of the types of environmental and site constraints common in Maine, both Concept Designs reflect constraints found at two existing (unnamed) sites in the State.

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STUDY AREA A - School Neighborhood Concept

(no public water or sewer systems available)

CONCEPT PLAN DATA

- Rolling terrain, existing mixed woods and pasture land; Wetlands and the Shoreland Zone outline buildable areas and organize plan into neighborhoods surrounded by open areas, and integrated with a New England Neighborhood/Village Common and existing Public Pond;
- Site within 5 miles of four-lane divided highway;
- **Total Acreage**: 350 - 400 ± acres (approximate)
- **Residential Lot sizes**: 32,000 s.f. - 40,000 ± s.f.
- 65% Site developed for residental with on-site wastewater disposal
- **Neighborhood road system** : 7%-8% of study area;
- **Elementary School site** - 10% of study area;
- **Open Space provisions** - 7% to 8% of study area.

SCHOOL NEIGHBORHOOD DESCRIPTION

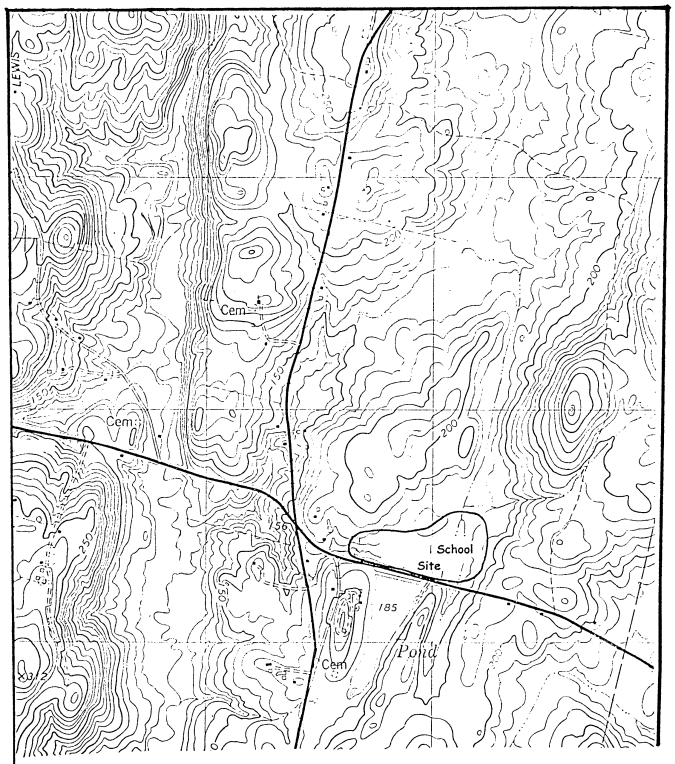
- Elementary school is located nearby the intersection of 2 state roads; direct access to school site from a state road and within easy walking distance of adjacent residential neighborhoods;
- Single-family homes on neighborhood street with pedestrian network designed to adopt existing terrain conditions;
- One neighborhood within immediate proximity of school site - the other neighborhood, to the south of the school site consists of a mixed residential area unified with a Village/ Neighborhood Common;
- Landscape design varies from tree-lined streets, formal and manicured at the Neighborhood/Village Common to natural areas in neighborhoods, to undisturbed nature at the periphery;

NEIGHBORHOOD/ VILLAGE COMMON

- A Common, with pedestrian linkage to the School site, joins a neighborhood commercial and Mixed Residential area.

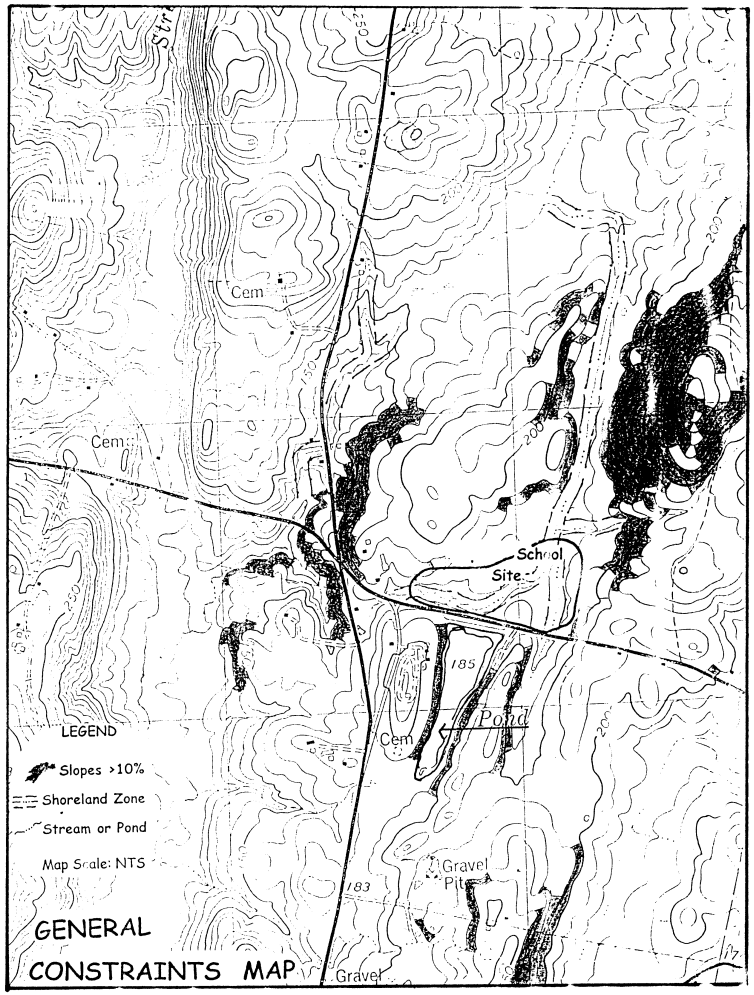
NEIGHBORHOOD CIRCULATION NETWORK

- Residential street system designed for limited access from 2 different state roads;
- Street system designed to connect with several out parcels which are within the general 3 square mile planning area of the school and residential neighborhood lands;
- Street network incorporates existing development and existing roads.



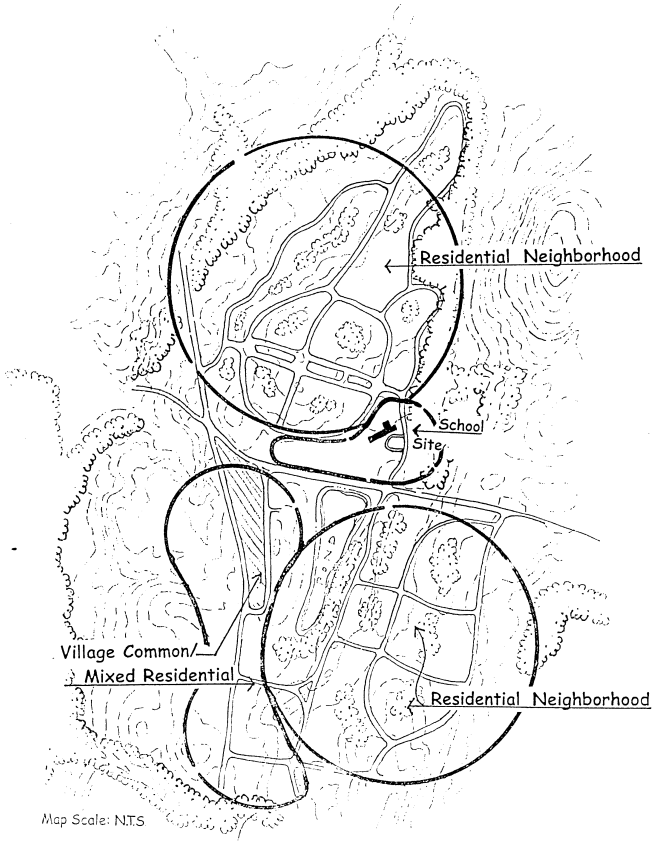
LEGEND
Existing Features
Housing
Stream or Pond
Roads
Map Scale: NTS

Base Map A with School Location
(No Public sewer or Public water)



LEGEND
Slopes >10%
Shoreland Zone
Stream or Pond
Map Scale: NTS

GENERAL
CONSTRAINTS MAP



STUDY AREA - A
School Neighborhood Concept Plan

School Neighborhood 'Bird's Eye View

STUDY AREA B - School Neighborhood Concept

(public water and sewer systems available)

CONCEPT PLAN DATA

- Relatively level terrain, existing mixed woods and pasture land; Wetlands outline buildable areas and integrate neighborhood site plan with existing Main Street neighborhood and surrounded by open areas;
- Within 1/2 mile of four-lane, divided arterial highway;
- **Total Acreage**: 105 ± approximate acres;
- **Residential Lot sizes**: $\frac{1}{4}$ acre to $\frac{1}{2}$ acre;
- 57% Site acres developed for residential use with connections to municipal wastewater disposal system and public water;
- **Middle School site**: approximately 40% of study area;
- **Neighborhood road system** - approximately 5% of Site Acreage

SCHOOL NEIGHBORHOOD DESCRIPTION

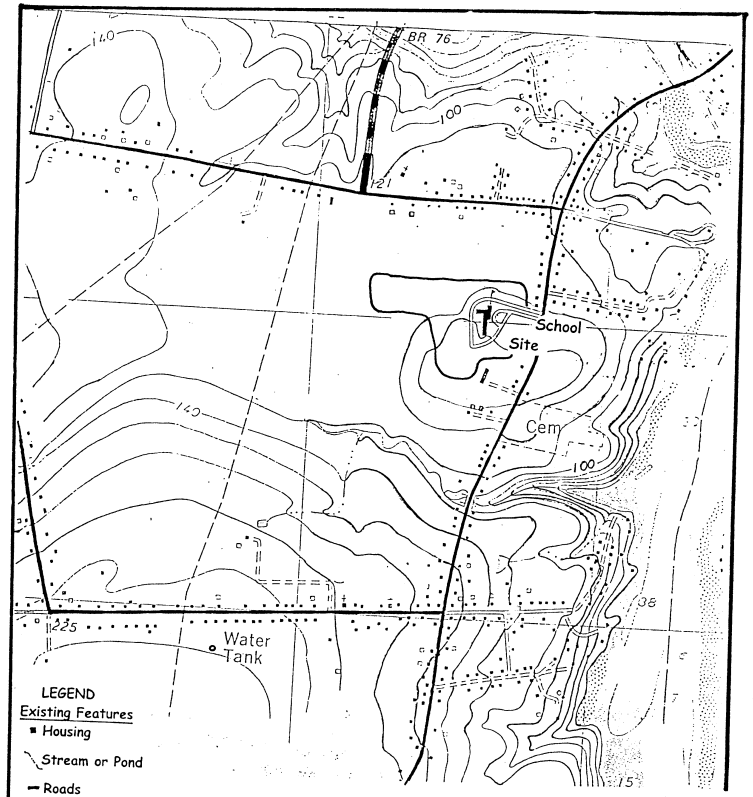
- Middle school site located along Main Street; direct access to school site from Main Street and within easy walking distance of neighborhood;
- Near community services and shopping; neighborhood Blocks accommodate moderate density residential, e.g. Single-family and multifamily with own parking;
- Neighborhood features an Esplanade - a celebratory entrance to the neighborhood and the school expanses of sport fields; street and pedestrian network designed to adopt terrain conditions and link to a pedestrian greenway connector to the River;
- Landscape design varies from tree-lined streets, formal and manicured at the Esplanade to minimal undisturbed nature at the periphery;

ESPLANADE

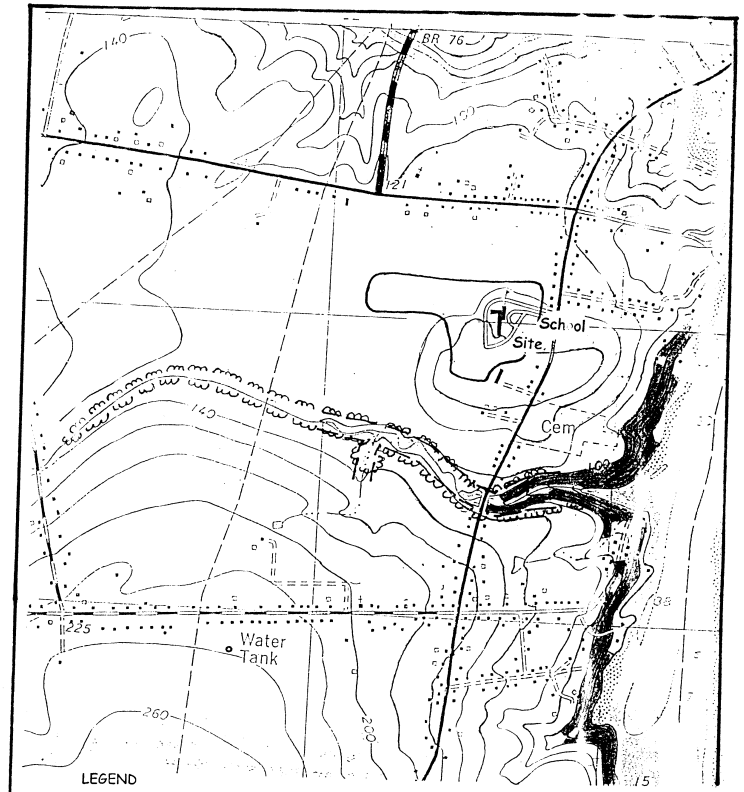
- Esplanade provides pedestrian linkage to the Post Office and Municipal Building, a connector to the School site and Neighborhood Residential area.

NEIGHBORHOOD CIRCULATION NETWORK

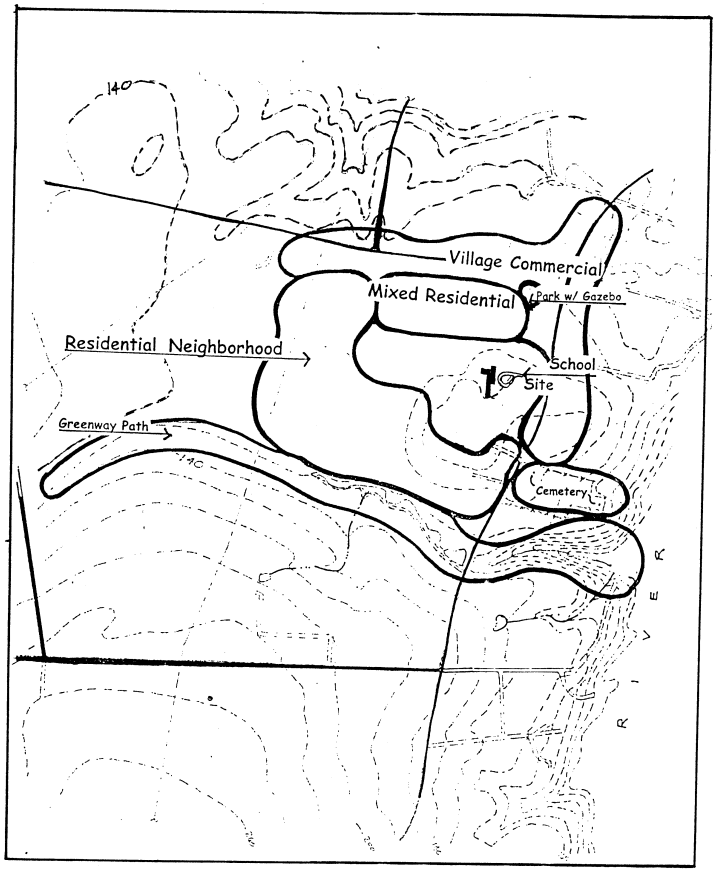
- Residential street system designed for limited access from 2 state roads;
- Street network incorporates existing development and existing roads.



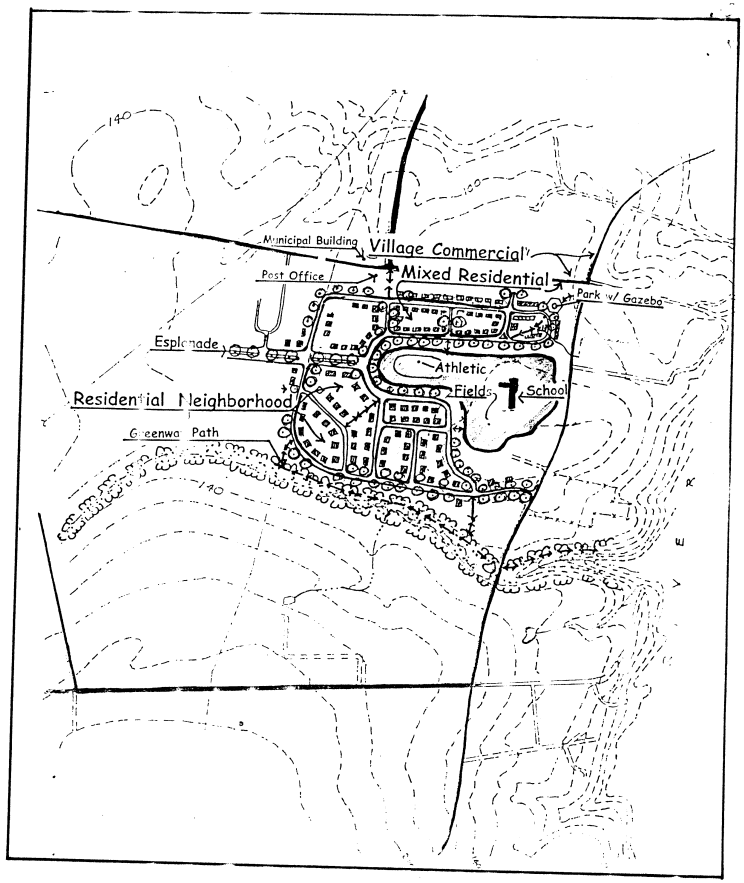
Base Map B with School Location
(Public sewer and Public water)



GENERAL
CONSTRAINTS MAP



STUDY AREA - B
School Neighborhood Concept Plan



STUDY AREA - B
School Neighborhood Sketch Plan

Map Scale: NTS

Maine State Planning Office 2001
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