

Town of New Gloucester, Maine

TRANSFER OF DEVELOPMENT RIGHTS APPLICATION FORM

Note to Applicant: Please complete all questions on this form and return it to the Planning Office. An incomplete or unsigned application form may delay processing and/or approval of your application. A complete application consists of this form plus all items listed in the Application Checklist on this form, and payment of the application fee.

PROPERTY OWNER INFORMATION

Name of Property Owner: _____

Mailing Address: _____

Telephone: (____) _____ - _____

Please attach documentation of ownership (i.e., deed, etc).

Name of applicant's authorized agent: _____

Mailing Address: _____

Telephone: (____) _____ - _____

PROPERTY INFORMATION

Location of Property Street Location _____

from County Registry of Deeds: Book _____ Page _____

from Tax Maps: Map _____ Lot(s) _____

Current zoning of property (e.g., RR, FF, etc): _____

Total Acreage of Parcel: _____

Are there any existing dwelling units located on the property? Yes No

If yes, how many? _____

Are there any other buildings on the property? Yes No

If yes, how many? _____

Describe how the property is currently being used (e.g., agriculture, forestry, residence(s), etc.)

Are there any existing easements or deed restrictions affecting this property? (eg. powerline corridors, access easements, etc.) If so, please describe briefly.

STATEMENT OF INTENT:

I wish to qualify ____ the entire property under the TDR Program, or
____ a portion of the property under the TDR Program.

I want to retain ____ (number) dwelling units or development rights with the property for existing
or future development.

SENDING SITE ELIGIBILITY:

I believe the property would qualify as a sending site because it meets one of the following criteria:

- Located in a Sending Zone *and*
 - Minimum 10 acres of land, and
 - Agricultural, animal husbandry or forestry use, or open undeveloped land, and
 - At least one (1) development right exists based on net residential density.

or

- Located outside a Sending Zone *and*
 - Minimum 10 acres of land, and
 - Agricultural, animal husbandry use for the past 5 years, and
 - At least one (1) development right exists based on net residential density.

APPLICATION CHECKLIST *Is the following information attached?*

- Plot plan, drawn to scale, showing boundary lines and dimensions, waterbodies, and features listed in the Deductions list in Step 1 on the next page.
- TDR Calculation Worksheet (next page).
- Deed of the sending site.
- Application Fee - \$75.00

PROPERTY OWNER CERTIFICATION

I hereby certify that the information furnished on this application and the attachments are true to the best of my knowledge, that I am the legal owner of the property described above, that I have marketable title to the property, and that I have the legal right to restrict the use of the property.

signature of Owner

date

RETURN TO:

Paul First
Town Planner
385 Intervale Road
New Gloucester, ME 04260
Phone: 207-926-4126, ext. 4
pfirst@newgloucester.com

FOR TOWN USE ONLY:

Date Received _____
Completed Application Date _____
Approval Date _____

ESTIMATED TDR CALCULATION WORKSHEET

We ask that you complete this worksheet to assist yourself and the Town of New Gloucester with evaluating the property. The estimated number of available TDRs calculation is provided to assist you with evaluating the property and developing your management goals. *This is not a binding determination of the number of transferable development rights on a particular parcel.*

To estimate the number of development rights that can be transferred from a sending site, a net residential acreage calculation must first be determined. The acreage available for transfer is the total sending site acreage minus a number of possible deductions (listed in Step 1). This area is then divided by the TDR Density for the zoning designation of the sending site.

Density calculations must be done separately for portions of a sending site that are within different zoning designations. Any fractions of development rights that result from these calculations shall not be included in the final determination of total development rights available for transfer.

Step 1. Deductions:

- _____ acreage of land cut off from the main parcel by a road, or by existing land uses and where no means of access can be provided.
- _____ acreage of land situated below the normal high water mark of any waterbody.
- _____ acreage of land within a 100-year floodplain.
- _____ acreage of land within a Resource Protection (RP) District.
- _____ acreage of land which has been created by filling or draining a pond or wetland.
- _____ acreage of land consisting of unreclaimed gravel pits.
- _____ acreage of very poorly drained soils or wetlands.
- _____ acreage of land covered under existing conservation easements or other similar restrictions.
- _____ 50% of acreage of poorly drained or somewhat poorly drained soils.
- _____ acreage of land area required by the zone for existing development(s).
- _____ **Total Deductions (in acres)**

Step 2. Net Residential Acreage Calculation

- _____ total area of sending site (in acres)
- _____ total deductions (from Step 1)
- _____ **Total Net Residential Acreage (in acres)**

Step 3. Estimate Available Transferable Development Rights (TDRs)

Divide the total Net Residential acreage from Step 2 by the TDR Density for the appropriate zone as listed in Table 1.

Base densities listed are for transfer purposes only and differs from actual development potential of a parcel. If a sending site contains more than one zone designation, repeat the calculations for each zone.

Table 1

Zone	TDR Density (acres/TDR)
FF, RB-2	2
RR, RC, RB-1, L	1

- _____ total Net Residential Acreage (from Step 2)
- ÷ _____ TDR Density (from Table 1)
- _____ **Estimated available TDRs**

PROCEDURE

After submission of this application and the items listed in the APPLICATION CHECKLIST, the Town Code Enforcement Officer and Planner shall review the information provided and determine a preliminary number of transferable development rights.

After receiving this determination, you may proceed with the following actions:

- o A title search on your property, to ensure clear title and marketability of the property.
- o A survey of the property, prepared by a licensed surveyor, showing lot lines and dimensions, and all features which determine net residential acreage. A formal and final determination of transferable development rights will be made from this information.
- o Drafting a conservation easement for your property, restricting development on the portions of the lot from which transferable development rights will be taken. Sample language will be provided by the Town.

Note: You may want to consult with your attorney regarding the language of this easement. This is a permanent deed restriction that will be placed on your land.

Other *recommended actions* include:

- o Having an appraisal prepared to determine the value of the transferable development rights you intend to sell.
- o Locating potential buyers (e.g., developers, landowners in a receiving zone, etc) and discussing with them the purchase of your transferable development rights.

After the Town has reviewed the survey and draft conservation easement, we will issue a final determination on the number of transferable development rights on the sending site, based on the survey information. The conservation easement can be filed by the applicant at the Cumberland County Registry of Deeds *after* the Town has issued this final TDR count and approved the wording of the conservation easement. The title search will need to be done by the applicant to prove clear title and marketability in the land that is being deed-restricted.

Once recorded, and proof of recording is presented to the Town, a TDR Certificate will be issued to the applicant indicating the number of transferable development rights that can be sold. These TDRs can then be sold or transferred to a buyer for a price determined by the buyer and seller. They can be sold all together, or only a portion of those may be sold.

A buyer of TDRs will bring proof of purchase (e.g., an executed purchase agreement) to the Town, and a new TDR Certificate will be issued in their name with the number of TDRs purchased. If the seller retained some TDRs, a new TDR Certificate will also be written out to them for the remaining number of rights.

A developer who has purchased (or has an option to purchase) transferable development rights will submit a subdivision application to the Town Planning Board asking for approval of a subdivision with additional development on the site in the Receiving Zone. If approved, the TDRs will be added to that development and the developer's TDR Certificate will be turned in to the Town.