

# **TOWN OF ADDISON, MAINE**

## **SUBDIVISION ORDINANCE**

- A. All Subdivisions in the Town of Addison must be in accordance with M.R.S.A. Title, 30, Section 4956 or any State Laws passed and in effect since.
- B. All applications for any Subdivision must be accompanied by suitable maps, prepared by a registered surveyor who is registered in the State of Maine for that purpose.
  - 1. Maps must show location and identification of the proposed Subdivision.
  - 2. Maps must show each lot of Subdivision, and adjoining property owners.
- C. All applications for any Subdivision must be accompanied by certification of completion of soil tests for each lot on the proposed Subdivision, by a person licensed for that purpose in the State of Maine.
- D. All applications for Subdivisions must be accompanied by Covenant, stating the use of all land, regulations and conditions that will become a part of each deed, of each lot in the Subdivision.
- E. Any lot of a Subdivision shall have not less than two (2) acres in area.
- F. Any lot of a Subdivision must have a minimum of two hundred (200) feet frontage, either water frontage or road frontage.
- G. No one lot of a Subdivision or consecutive lots there-of may have a Water frontage in excess of fifteen hundred (1500) feet without a Right of Way, to be used by the public, said Right of Way to be not less than twenty-five (25) feet wide, extending from the water's edge to a Public Way.

### Part III: Subdivision

Section 1. Authority: This part III is enacted pursuant to R.S., 1964, Title 30, Section 4956, as amended.

Section 2. Purpose: This Part III provides for the local administration, with some amendment, of the State law regulating the division of land. Its purpose is to provide for the orderly subdivision of land consistent with the rights of property ownership, the grantees or users of such land, and of the town and its inhabitants in general.

Section 3. Land Regulated by this Part:

- A. Beginning on the effective date of this Part III, the division of a tract or parcel of land into 3 or more lots within a 5-year period for the purpose of sale, lease, gift or other conveyance, or development or building shall be reviewed and approved as provided in this Part III.
- B. Lots in a subdivision not previously approved in accordance with law at the time of their creation and which remain unsold and not subject to an enforceable agreement to convey on the effective date of this Part III are subject to its provisions.

Section 4. Minor Subdivision: The Planning Board shall review an application for the approval of a subdivision containing 5 lots or less in as informal a manner as is consistent with the requirements of Section 6.

Section 5. Subdivision Plan:

- A. An applicant for subdivision approval shall submit a plan of the proposed subdivision in four copies with all dimensions shown in feet, drawn to a scale of one inch equals 50 feet and showing or accompanied at least by the following information:
  - i) Proposed name or identifying title of the subdivision;
  - ii) Name and address of record owner, sub-divider or developer, and surveyor, planner or designer of the plan;
  - iii) Deed description and map or survey of tract boundary made and certified by a registered land surveyor, related to established reference points showing true north point and graphic scale;
  - iv) Municipal land use regulations or zoning designation, if any;
  - v) Number of acres within the proposed subdivision, location of property lines, and existing easements, buildings and underground utilities;
  - vi) Names of all property owners and/or subdivisions immediately adjacent to the proposed whether separated by a public way or a water body;
  - vii) Proposed lot lines with approximate dimensions in conformity with sub-section 6.B of Part II and suggested location and types of land uses or buildings;
  - viii) Location of temporary or permanent markers adequate to enable a ready location and appraisal of the basic layout in the field;
  - ix) Parcels of land to be dedicated to public use or common use of subdivision occupants, including land providing access to a water body and/or for the erection of common wharf or docking facilities in conformity with sub-section 19.B of Part II.

- x) Location, name, width, grade of existing and proposed public streets, rights of way, easements, and points of connection with existing public rights of way in conformity with sub-section 16.B of Part II.
  - xi) Location of all natural features, sites and site characteristics including, but not limited to the following:
    - a) Water bodies and water courses;
    - b) Natural drainage ways;
    - c) Areas important to the recharging or replenishing of underground water sources;
    - d) Wetlands, swamps, marshes, and bogs;
    - e) Spawning grounds, fish, aquatic life, bird and other wild-life habitat;
    - f) Flood plains and areas subject to storm flowage; and,
    - g) Structures, sites, objects, or formations of Historical, archaeological, geological or ecological importance;
  - xii) A soils report in map form superimposed upon the plot plan identifying soils types and slopes and their boundaries in accordance with the USDA Soil Conservation Service classification for Washington County; and,
  - xiii) Locations of tests to ascertain subsurface soil and ground water conditions.
- B. The applicant shall submit other statements, reports, or data sufficient to meet the burden proof as provided in Section 6.
- C. The Planning Board may at any time require additional information in order to perform an adequate review of an application.
- D. The applicant may submit additional information for consideration by the Planning Board until such time as the Board notifies the applicant that it is deciding upon the application.

Section 6. Determination of Subdivision Impact:

- A. Water and Air Pollution
1. The applicant shall prove the suitability of the soil of each lot and/or any surface water body for one or more methods or systems of sanitary waste disposal. In considering such proof, the Planning Board shall take into account Sub-sections 6.B and C and Section 7 of Part II demonstrated to be suitable, then the Planning Board shall set forth in its decision on the application that no land use, building or development producing sanitary waste may be constructed or located on such lot or lots unless and until a valid permit for the installation of such method or system has been issued by the appropriate municipal and/or State official.
  2. If the disposal of other solid or liquid waste, including animal waste, pesticides, petroleum or petroleum-based materials, is proposed to be carried out within the subdivision, or if the Planning Board reasonably concludes that such disposal is likely to occur; then the applicant shall approve that provision can and will be made for the safe and sanitary disposal of such wastes in accordance with Sections 11, 23 and 13 of Part II and other State and local law.

3. The applicant shall set forth the sources of emission into the air that will be created, if any, which are subject to regulation by the Maine Department of Environmental Protection and shall present a plan or statement approved by the Department of the methods to be used to bring such emissions into compliance with such regulations.

#### B. Land Protection

1. The applicant shall prove that any excavation, filling, grading, lagooning, dredging, road construction, location of buildings or other development activities and land use proposed, or which the Planning Board reasonably concludes are likely to occur or be carried out in the subdivision, can be carried out in compliance with the provisions of Sub-sections 6.F., G., K., and L. of Part II.
2. The applicant shall prove that the development proposed or likely to occur in the subdivision will not reduce the capacity of the land in, or affected by, the subdivision to hold water, where such reduced capacity would interfere with the recharging of ground water sources or would harm the habitat of wildlife or fish and other aquatic life.
3. The applicant shall prove that the development proposed or likely to occur in the subdivision will not increase the amount of surface water in excess of the amount which can be absorbed, evaporated or transpired from the land within or affected by the subdivision, unless provision is made for the collection and retention of such excess surface water in accordance with Sub-section 6.K(i) of Part II.
4. The applicant shall describe the effects of the subdivision on areas, sites, and objects required to be identified and shown pursuant to Sub-section 5.A(xi), above and shall describe the steps to be taken to prevent their alteration, destruction or other harm.

#### C. Streets and Access to Highways and Water Bodies

1. The applicant shall prove that the subdivision will not cause an increase, whether seasonal or otherwise, in the types or amount of vehicular traffic so as to endanger or significantly inconvenience the present users of the highways or public roads in the vicinity of the subdivision and throughout the municipality.
2. The location, design, size and number of entrances and exits from the proposed subdivision must be such that movement to and from the subdivision can be accomplished conveniently and safely and without causing frequent, abrupt traffic stoppage on the public ways.
3. In determining whether such proof has been established as required by 1 and 2 above, the Planning Board shall consult with municipal and State highway engineering and safety officials and shall consider, at least, recognized standards of highway adequacy and safety.
4. The applicant shall prove that roads, whether private or public, and points of connection or access from the subdivision to public ways will or can be constructed to provide convenient access to each lot in conformity with the provisions of Sub-section 6.A., F., and L and Section 16 of Part II.
5. The applicant shall prove that the subdivision will have no adverse effect on the use of a public easement or right-of-way to a public water body whether such means of public access was created by deed, grant or use.

#### D. Water Supply

1. The applicant shall estimate the amount of water required by the subdivision and shall show, either that such water in the amount and quality estimated can be obtained from wells or other ground water sources within the subdivision or, that alternative provisions will or can be made. Such calculations or estimates shall be derived according to State or nationally recognized standards and shall be based upon the nature and extent of the use or uses proposed to be carried out within the subdivision.
2. The applicant shall prove that a water supply adequate for fire protection purposes will or can be provided in the amount and locations deemed necessary by municipal or State fire protection officials.
3. The applicant shall prove that supplying water to meet the requirements set forth in 1. and 2., above, will not significantly diminish the amount or quality of water presently being drawn from sources.

#### E. Municipal and Other Public Services and Facilities.

1. The applicant shall calculate with reasonable accuracy the cost or burden on, and the anticipated tax revenue or other economic benefit to, the municipality, other governmental bodies or districts and public utilities which the subdivision would cause. Such calculations shall include, without being limited to, the following:
  - a) Elementary and secondary schools;
  - b) Water quality practices;
  - c) Community water supply;
  - d) Fire protection;
  - e) Road maintenance
  - f) Off-street parking;
  - g) Navigation and mooring for commercial and public safety purposes;
  - h) Police protection;
  - i) Telephone and electrical service; and,
  - j) Cultural and recreational facilities.
2. If the subdivision would substantially reduce the amount or quality of such services, exceed the capacity of such facilities, or cause an increase in taxes or other cost of one or more facilities in excess of 10%, on the average, to each taxpayer or rate-payer; then the applicant shall reduce or phase the subdivision or make other provision so as to avoid such effect or effects.
3. Whether the subdivision would cause one or more effects as provided in 2., above, shall be determined in accordance with any plans or policies or operating and capital budgets and reasonable estimates of the municipality, other governmental body or district, or public utility responsible for providing such facility or service, a regional or State planning agency, a regulatory agency and other appropriate officials and experts.

#### F. Relationship to Other Laws, Ordinances, Regulations and Plans.

1. The applicant shall prove that the subdivision is in conformance with municipal plans and policies which existed as a matter of public record at the time the subdivision application was accepted for review and decision whether or not such plans and policies are required to be publicly adopted.

2. The applicant shall set forth other municipal, State and Federal laws and regulations, if any, applying to the development of the land to be subdivided and shall show in sufficient detail, that the subdivision \_\_\_\_\_
3. It shall be the sole responsibility of the applicant and not the Planning Board or other municipal officials to identify or interpret the laws and regulations referred to in 2., above.

#### G. Technical and Financial Capacity of the Applicant

The applicant shall prove that he has or will obtain the qualified engineering, legal, and contracting services, surety, and financing necessary to comply with and carry out all municipal, State and Federal laws and regulations and any requirements that may be imposed by the Planning Board as a condition of subdivision approval.

Section 7. Authority to Adopt Regulations: The Planning Board may, from time to time, adopt regulations further clarifying or defining the requirements set forth in Section 6., above, which regulations shall be in force and effect only from the date posted in the manner provided for the posting of notices in Part IV.

Section 8. Decision: The Planning Board shall issue an order granting or denying approval or granting approval upon such terms and conditions, as it may deem advisable to satisfy the requirements set forth in Section 6., above, and the provisions of Part II, and otherwise to protect and preserve the public, health, safety, and general welfare and land, water, and air quality. Any failure or refusal to decide shall constitute a denial.

#### Section 9. Recording of Decision and Notice in Offers to Convey:

The applicant shall record in the Registry of Deeds the written decision of the Planning Board in its entirety or shall request a summary of its decision, which summary opinion shall be recorded in its entirety, together with the plot or plan as approved and signed by a majority of the Planning Board.

#### Section 10. Enforcement:

- A. No person shall convey, offer or agree to convey any land or development in a subdivision which has not been approved with the written decision of the Planning Board, or a summary thereof, in the Washington County Registry of Deeds.
- B. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved as provided in the Part III.

#### Section 11. Penalty:

- A. Any person who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this Part III shall be punished by a fine of not more than \$1000 for each conveyance, offering or agreement.
- B. The Attorney-General, the Town or the appropriate municipal officers, including the Planning Board, may institute proceedings to enjoin the violation of this Part III as provided in R.S., 1964, Title 30, Section 4956, as amended.

Section 12. Notice, Review and Appeal: The procedure for notice, review, and appeal shall be a provided in Part IV.

The above Subdivision Ordinance was enacted on October 22, 1986 at a Special Town Meeting held at 7:00PM at the Addison Town Hall. Signed by Selectmen: Michael Murphy, Virgil Crowley and Lawrence L. Crowley. Lewis Lovejoy was Constable.