

ARTICLE 6 – MINOR SUBDIVISION

6.1 General.

The BoardPlanning Board may require, where it deems necessary to make a determination regarding the criteria for approval from 30-A M.R.S.A. §4404, or the standards from Article 11 of this Ordinance, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

6.2 Procedure.

- A. Within six months after the on-site inspection by the BoardPlanning Board, the applicant shall submit an application for approval of a final plan at least fifteen days prior to a scheduled meeting of the BoardPlanning Board. Applications shall be submitted to the BoardPlanning Board in care of the Planning & Development Office. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the BoardPlanning Board. The final plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the BoardPlanning Board.
- B. All applications for final plan approval of a Minor Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, as determined by the Selectmen payable by check to the Town of Rockport. In addition, the BoardPlanning Board upon reviewing the application and finding the need for outside professional assistance, may, at its sole discretion, hire its own civil engineer, soil scientist, geologist or other experts to review the plan submitted by the applicant. The applicant shall deposit an amount determined by the BoardPlanning Board in an account with the Town of Rockport in advance of the hiring of such experts to cover this expense. Any balance in the account remaining after the decision on the final plan application by the Planning BoardPlanning Board shall be returned to the applicant.
- C. Prior to or at the meeting at which an application for final plan approval of a minor subdivision is initially presented, the Planning OfficePlanning & Development Office shall:
 1. Issue a dated receipt to the applicant.
 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

- D. Within fourteen (14) days of the receipt of the final plan application, the Planning and Development ~~Director~~Office shall review the application for completeness. If the application is not complete, the Planning and Development ~~Director~~Office shall notify the applicant of the specific additional material needed to complete the application.
- E. A public hearing shall be held within thirty days of the Planning and Development ~~Director~~Office's determination that a complete plan application has been received. The Planning and Development ~~Director~~Office shall cause notice of the date, time and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in Rockport, at least two (2) times, the date of the first publication at least seven (7) days prior to the hearing. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, the Maine Water Company or its successors shall be notified of the date, time and place of the hearing.
- F. Within thirty days from the public hearing or within another time limit as may be otherwise mutually agreed to by the ~~Board~~Planning Board and the applicant, the ~~Board~~Planning Board shall make findings of fact and conclusions relative to the criteria contained in 30-A M.R.S.A., §4404 and the standards of Article 11. If the ~~Board~~Planning Board finds that all the criteria of the Statute and the standards of Article 11 have been met, they shall approve the final plan. If the ~~Board~~Planning Board finds that any of the criteria of the statute or the standards of Article 11 has not been met, the ~~Board~~Planning Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The ~~Board~~Planning Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval. In issuing its decision, the ~~Board~~Planning Board shall state, in writing, the conditions of such approval, if any, with respect to:
1. The specific changes it will require in the Final Plan;
 2. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare; and
 3. The amount of improvements or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Plan.

6.3 Submissions.

The final plan application shall consist of the following items.

A. Application Form.

- B. **Location Map.** The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the BoardPlanning Board to locate the subdivision within the municipality. The location map shall show:
1. Existing subdivisions in the proximity of the proposed subdivision.
 2. Locations and names of existing and proposed streets.
 3. Boundaries and designations of zoning districts.
 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.
- C. **Final Plan.** The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the borderlines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the BoardPlanning Board. Sufficient copies of the Plan and all accompanying information shall be submitted to the Planning OfficePlanning & Development Office for distribution to the BoardPlanning Board at least 15 days prior to the next regularly scheduled meeting. Applicant shall also submit one copy (if available) of the approved plan in digital CADD format on magnetic media.
- D. **Application Requirements.** The application for approval of a Minor Subdivision shall include the following information. The BoardPlanning Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of 30-A M.R.S.A. §4404 are met.
1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's map and Lot numbers.
 2. Verification of right, title, or interest in the property.
 3. A boundary survey of the parcel, giving complete descriptive data by bearings and distances, prepared and sealed by a professional land surveyor registered in the

State of Maine. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. An indication of the type of water supply system(s) to be used in the subdivision.
 - a. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the district approves the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the district approving the design of the extension shall be submitted.
 - b. A written statement from the Fire Chief of the Town of Rockport approving the number, size and location of the proposed hydrants and their supply mains.
 - c. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a hydrogeologist familiar with the area and/or evidence from wells on a minimum of three adjacent properties.

- d. For rural locations the Fire Chief shall provide a statement relative to the availability of water sources such as lakes, ponds, rivers and brooks for fire fighting purposes. In areas where no water supplies are available, the fire department's ability to transport water via tank trucks shall be considered relative to the size, construction type and built-in fire suppression systems of the structures proposed.
8. The date the plan was prepared, north arrow, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
10. Preexisting conditions including the location of any mines, gravel pits and freshwater wetland areas regardless of size, shall be identified on the survey.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height within areas the developer proposes to clear shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.
12. The location of all rivers, streams, brooks and springs within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. Contour lines at the interval specified by the Board Planning Board, showing elevations in relation to National Geodetic Vertical Datum (NGVD) (1929).
14. The zoning district in which the proposed subdivision is located and location of any zoning boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets and highways, and existing and proposed easements, existing building footprints, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground.
17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title and that they will recommend its acceptance to the Town Meeting shall be included.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan. In areas where the base flood elevation (BFE) has been determined, the applicant shall show through field survey the flood boundary based on an NGVD benchmark.
21. The BoardPlanning Board may require a hydrogeologic assessment in cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils.
22. The BoardPlanning Board may require an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, current edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant or the BoardPlanning Board demonstrates that these sources better reflect local conditions.
23. For subdivisions involving 40 or more parking spaces or projected to generate more than 100 vehicle trips in the peak hour, a traffic impact analysis, prepared by a professional engineer registered in the State of Maine with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
24. A storm water management plan, prepared by a professional engineer registered in the State of Maine in accordance with the Stormwater Management for Maine:

Best Management Practices, published by the Maine Department of Environmental Protection. The BoardPlanning Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

25. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection. The BoardPlanning Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision. For subdivisions lying wholly or partly within the Aqua Maine Inc. or its successors watershed, one copy of the plan must be submitted to Aqua Maine, Inc. for approval.
26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.
27. If the proposed subdivision is in the direct watershed of a great pond, a phosphorus control plan.
 - a. For subdivisions that qualify for the simplified review procedure, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems. The simplified review may be used for a:
 - (1) Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three-lot subdivision or 600 feet for a four-lot subdivision;
 - (2) Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three-lot subdivisions or 1,100 feet for four-lot subdivisions; or

- (3) Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface wastewater disposal systems and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision that creates lots that could be further subdivided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

- b. For subdivisions that do not qualify for the simplified review procedure as described in 27.a above, the following shall be submitted.
 - (1) A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, September, current edition.
 - (2) A long-term maintenance plan for all phosphorus control measures.
 - (3) The contour lines shown on the plan shall be at an interval of no less than five feet.
 - (4) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
28. Roads shall be designed and constructed in conformity with the street design and construction standards contained in this ordinance. Approval of the road layout by the Rockport Road Commissioner or Public Works Director is required as to safety and conformity with ordinance requirements, with particular reference to accessibility to fire trucks and other emergency vehicles.
29. The location and method of disposal for land clearing and construction debris and/or the quantity and type of fills to be brought in.
30. New created lots shall be numbered in accordance with the Rockport E-911 Addressing Ordinance.
31. A digital copy of lot lines and building location shall be submitted, if available.