

ARTICLE 7 – PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure.

- A. Within six months after the on-site inspection by the ~~Board~~Planning Board, the applicant shall submit an application for approval of a preliminary plan at least ~~fifteen days~~three weeks prior to a regularly scheduled meeting of the ~~Board~~Planning Board. Applications shall be submitted to the ~~Board~~Planning Board in care of the ~~Planning Office~~Planning & Development Office. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the ~~Board~~Planning Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the ~~Board~~Planning Board.
- B. All applications for preliminary plan approval of a Major Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, except in a Traditional Village. All such applications for a Traditional Village shall be accompanied by a base fee per acre of land in the proposed Traditional Village, as determined by the Selectmen and payable by check to the Town of Rockport. In addition, the ~~Board~~Planning 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 ~~Board~~Planning 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~~ ~~Board~~Planning Board shall be returned to the applicant.
- C. Prior to the meeting at which an application for preliminary plan approval of a Major Subdivision is initially presented, the ~~Planning Office~~Planning & Development Office shall:
1. Issue a dated receipt to the applicant.
 2. Notify all owners of abutting property in writing 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 Town Clerk and the reviewing authority of neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

- D. Within fourteen (14) days of the receipt of the preliminary plan application, the ~~Planning and Development~~Planning & Development Office Director shall review the application for completeness. If the application is not complete, the ~~Planning and Development~~Planning & Development Office Director shall notify the applicant of the specific additional material needed to complete the application.
- E. A public hearing shall be held within thirty (30) days of the ~~Planning and Development~~Planning & Development Office Director's determination that a completed preliminary plan application has been received. The ~~Planning and Development~~Planning & Development Office Director shall cause notice of the date, time and place of such hearing to be given to the applicant and 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 approve, approve with conditions, or deny the preliminary plan application. The ~~Board~~Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- G. When granting approval to a preliminary plan, the ~~Board~~Planning Board shall state the conditions of such approval, if any, with respect to:
1. The specific changes which 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 the ~~Board~~Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- H. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the ~~Board~~Planning Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the

BoardPlanning Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

7.2 Submissions.

The preliminary 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 preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

C. **Preliminary Plan.** The preliminary plan shall be submitted in fifteen copies, or a number determined by the BoardPlanning Board at the preapplication meeting, of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. 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.

D. **Application Requirements.** The application for preliminary plan approval 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 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, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
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 letter from the Rockport Wastewater Superintendent stating 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 or Certified Soil Scientist 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. When water is to be supplied by public water supply, a written statement from the Aqua Maine Inc. shall be submitted indicating there is adequate supply and pressure for the subdivision.
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 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.

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 2' intervals unless directed otherwise by the Board Planning Board.
14. The zoning district in which the proposed subdivision is located and the 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, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
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 proposed lot lines with approximate dimensions and lot areas. Newly created lots shall be numbered in accordance with the Rockport Addressing Ordinance.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
20. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
21. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
22. 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.

23. 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.
24. 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.
25. 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.
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 unique 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, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.
28. Written approval from the Zoning BoardPlanning Board of Appeals of appeals for variances or special exceptions, if required, and any conditions imposed.