

Town of Sidney Subdivision Regulations

AUTHORITY:

These standards have been prepared in accordance with the provisions of Title 30, M.R.S.A. Section 4956. These standards shall be known and cited as the "Subdivision Standards of the Planning Board of the Town of Sidney, Maine". They shall apply to all subdivisions as defined by State law, including residential, commercial and industrial.

PURPOSE:

The purpose of these regulations is to establish a review process which will provide the Sidney Planning Board with sufficient evidence, data, and materials to carry out its responsibilities in reviewing subdivisions, and provide a clear procedure which applicants for subdivision permits shall follow.

DEFINITION OF SUBDIVISION:

A subdivision is the division of a tract or parcel of land into three or more lots within any five-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Lots of 40 or more acres shall not be counted as lots.

For purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided

that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

SECTION I PROCEDURES:

1. Applications for subdivision permits shall be submitted to the Planning Board at a regular Board meeting. The Planning Board meets the first and third Monday of every month except for legal holidays, in which case the Board meeting is the following evening. Notice of meetings is published in the newspaper. At this first introduction, the developer and Board shall generally discuss the proposed subdivision application as to its adequacy and completeness and the overall intent of the developer. The Board will give a dated written receipt (Form 1).

2. Within 30 days of the receipt the Board will make an on-site inspection with the developer, if necessary, to inspect the land in regards to the proposal. At this time, if the Planning Board feels that a public hearing is warranted due to the size or type of subdivision, community impact, or by written request of the public, it will call one. The Planning Board shall give notice of the hearing, its date, time, and place to the developer, and publish in both the Morning Sentinel and Kennebec Journal, at least two times, the date of the first publication to be at least seven days prior to the hearing. If the Board feels that a hearing is not necessary and all information is complete, at the next regularly scheduled Planning Board meeting, they shall approve, approve with condition, or deny the request in writing. Appeals may be made to the Board of Appeals within their jurisdiction or to Superior Court, within 30 days.

SECTION II PLAN REQUIREMENTS (Minimum of 3 copies)

1. Name of subdivision and Town of Sidney.
2. Location (Known roads, streets, waterbodies, or other landmarks).
3. Map scale 1" = 100' and North point.
4. Date of plan.
5. Name of engineer and/or surveyor, address and signed seal.

6. Names of all abutting property owners.
7. Layout of lots, total parcel acreage, lot size in square feet, location of property and all lot lines, including metes and bounds, to be field marked for Planning Board inspection, approved lots to be marked by a permanent marker.
8. Existing easements, rights-of-way, buildings, ponds, and other pertinent existing physical features, defined herein but not limited to:
 - a. Water courses, marshes, and swamps as identified by Fish and Game Department as having high or moderate value as water fowl nesting areas, and flood plains.
 - b. Ledge outcroppings.
 - c. Existing wells, sewage disposal areas and systems.
 - d. Existing contours at 10' intervals and spot elevations.
 - e. Existing wildlife habitats, (i.e., deer yards where applicable).
9. Proposed grading and filling and reasons except for roads.
10. Proposed roads and streets marked in 50' increments, profile and cross-sections, including preferred street naming, designed in a manner that will not cause unreasonable congestion or safety hazards and are in conformance to the Town of Sidney's Road Specifications.
11. Proposed new water bodies (i.e., fire ponds).
12. Proposed sewage disposal systems per lot.
 - a. As shown by a licensed soil evaluator using form HHE 200 and duly signed.
 - b. Soils test to be performed on each lot by a licensed evaluator. Tests will be conducted by pit analysis; borings will not be accepted.
 - c. Any easements or rights-of-way necessary to conform with the State Plumbing Code.
13. Proposed location of wells.
14. All proposed covenants, deed restrictions, etc., to be reviewed by the Board and a written statement as to who

will enforce said covenants or restrictions.

SECTION III OTHER ADDITIONAL REQUIREMENTS

1. Cover letter of Intent and the date requested for formal consideration, including owner of record and his direct designee if applicable.
2. Copy of certified and registered property deed.
3. Location of subdivision using a U.S.G.S. topo sheet.
4. Notarized letter from applicable sources stating that the developer has adequate financial and technical ability to meet all requirements.
5. A storm water disposal and surface drainage plan signed by a professional engineer.
6. A signed statement from an engineer that the proposed development will not result in undue water or air pollution or violate the State Plumbing Code.
7. A signed statement from an engineer that in his opinion the development complies with all applicable statutes whether State, federal, or local.
8. Estimated cost of itemized proposed improvements.
9. Adequate information on water supply.
 - a. The submission of written drilling reports for wells in the general vicinity of the proposed development (one mile).
 - b. If records vary greatly, a ground water hydrologist may be required to give expert testimony regarding the available information by the developer.

A written disclosure of the above testimony on which the Planning Board makes its decision will be presented to the potential purchaser of any lot in the subdivision.

10. Sedimentation and erosion control plan if requested by the Board.
11. Electrical power application from CMP for hookup and installation.
12. Performance bonding for roads will be required for all subdivisions.

13. Depending on the size and location of the subdivision, the Board may require the developer to provide up to 10% of his total area for open space.
14. Subdivisions containing 15 or more lots shall have at least two points of access connecting with existing public roads.
15. The developer shall install a street sign at the intersection of all proposed streets in accordance with the Enhanced 911 Ordinance enacted March 1996.
16. The developer shall install all appropriate regulatory Traffic control signs as required by the Planning Board and inspected by the Road Commissioner.

SECTION IV PLAN REVISIONS AFTER APPROVAL

No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceeding to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

SECTION V ENFORCEMENT

Any person, firm, or corporation, or other legal entity who conveys, offers, or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1000 for each such conveyance, offering, or agreement. The Attorney General, the municipality, or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

SECTION VI OTHER FACTS

1. The approval of the Sidney Planning Board of a subdivision does not mean, or constitute any acceptance by the Town of Sidney of any street, easement, or otherwise.
2. The Planning Board may, at its discretion, upon a written specific request by the applicant, waive or modify the requirements of these regulations if such waiver will not unreasonably restrict the Planning Board's review of the

application as it relates to Title 30 M.R.S.A. 4956, and such waiver is based on the undue hardship or burden such specific regulations would have on the applicant because of the characteristics and circumstances relating to the subdivision.

3. Every application for a subdivision permit shall be accompanied by an application fee of \$25 per lot plus \$5 per unit or lot to be paid by check, made payable to the Town of Sidney Planning Board Account.
4. The invalidity of any section, sub-section, paragraph, sentence, clause, or word of these regulations shall not be held to invalidate any other part, etc., of these regulations.
5. In any case where any provision of these regulations is found to be in conflict with a provision of any other ordinance, etc., the provision which established its higher standard for the promotion and protection of health and safety shall prevail.
6. These regulation shall take effect immediately upon adoption, September 6, 1977, as provided in Title 30 M.R.S.A., Section 4956.