

Appendix C

Subdivision Ordinance

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APPENDIX C

SUBDIVISION ORDINANCE

SECTION 1 PURPOSE

1.1 The purpose of this ordinance is:

- ❖ to assure that new development in the town of Bucksport meets the goals and conforms to the policies of the town's comprehensive plan,
- ❖ to protect the environment and conserve the natural and cultural resources identified in the town's comprehensive plan as important to the community,
- ❖ to minimize the potential impacts of new subdivisions on neighboring properties and on the municipality,
- ❖ to assure that an adequate level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures,
- ❖ to assure the comfort, convenience, safety, health and welfare of the people of the town of Bucksport,
- ❖ to promote the development of an economically sound and stable community, and
- ❖ to provide for an expeditious and efficient process for the review of proposed subdivisions.

SECTION 2 AUTHORITY

2.1 This ordinance is adopted in accordance with 30-A M.R.S.A. §§3001-3006 and 30-A M.R.S.A. §§4401-4407.

SECTION 3 APPLICABILITY

3.1 This ordinance applies to any proposed or existing subdivision in the town of Bucksport, except it does not apply to:

- any subdivision approved by the planning board or the municipal officers before September 23, 1971 in accordance with laws then in effect,
- any subdivision in actual existence on September 23, 1971 that did not require approval under prior law,
- any subdivision, a plat of which was legally recorded in the Hancock County Registry of Deeds before September 23, 1971,
- any airport with an airport layout plan that has received final approval from the airport sponsor, the Maine Department of Transportation and the Federal Aviation Administration, or
- any subdivision in violation of 30-A M.R.S.A. §4401 et seq. that has been in existence for 20 years or more; unless:
 - the subdivision has been enjoined pursuant to Section 12 of this ordinance or 30-A M.R.S.A. §4406,
 - approval of the subdivision was expressly denied by the planning board and record of the denial was recorded in the Hancock County Registry of Deeds,
 - a lot owner in the subdivision was denied a building permit under Section 12 of this ordinance or 30-A M.R.S.A. §4406 and record of the denial was recorded in the Hancock County Registry of Deeds, or
 - the subdivision has been the subject of an enforcement action or order, and record of the action or order was recorded in the Hancock County Registry of Deeds.

- 3.2** Any division accomplished as described below is not a counted division in determining the establishment of a subdivision subject to planning board approval, unless the intent of the division is to avoid the objectives of this ordinance.
- 3.2.1 A division accomplished by devise.
- 3.2.2 A division accomplished by condemnation.
- 3.2.3 A division accomplished by order of court.
- 3.2.4 A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of no less than 5 years prior to the division by gift.
- 3.2.4.1 A gift to a person related to the donor may not be given for consideration that is more than one-half the assessed value of the real estate.
- 3.2.5 A division accomplished by a gift that is accepted by the municipality.
- 3.2.6 A division accomplished by the transfer of any interest in land to the owners of land abutting that land.
- 3.2.6.1 Any interest in land that is transferred to an abutter may not be transferred to another person within 5 years without also transferring interest in all of the merged land.
- 3.3** Any division creating a lot or lots of 40 acres or larger is not a counted division, unless any portion of the parcel before division is within a shoreland zone.
- 3.4** The division of a tract or parcel of land two times in a 5-year period is not a subdivision if both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the principal residence of the subdivider for a period of at least 5 years immediately preceding the second division.
- 3.5** The division of a tract or parcel of land into 3 or more lots upon each of which there is located a permanent dwelling structure that legally existed before September 23, 1971 is not a subdivision.
- 3.6** The grant of a bona fide security interest in an entire lot that has been exempted in Section 3.2, or the subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this ordinance unless the intent of the transferor is to avoid the objectives of this ordinance.
- 3.7** The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to subdivision law, do not become subject to subdivision law by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The planning board shall consider the existence of the previously created lot or lots made in reviewing a proposed subdivision created by a subsequent dividing.

SECTION 4 SEVERABILITY AND CONFLICT

- 4.1** If a court finds any provision of this ordinance to be invalid, the court's decision will not invalidate any other provision of this ordinance.
- 4.2** If any provision of this ordinance conflicts with another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision shall govern.

SECTION 5 EFFECTIVE DATE

- 5.1** This ordinance or any amendment thereto is effective 30 days after the date of adoption by the Bucksport Town Council.

SECTION 6 ADMINISTRATION

- 6.1** This ordinance shall be administered by the planning board. The code enforcement officer shall provide administrative support to the planning board and shall serve as the first contact for all applicants seeking subdivision approval.
- 6.2** The planning board and code enforcement officer shall review all proposed subdivision applications and shall maintain a permanent record of all meetings, proceedings and correspondence concerning subdivision reviews.
- 6.3** If any portion of a subdivision crosses municipal boundaries, all meetings and hearings pertaining to the approval, revision or amendment of the subdivision application must be held jointly by the reviewing authorities from each municipality unless both reviewing authorities have waived the requirement for any joint meeting or hearing pursuant to 30-A M.R.S.A §4403(1-A).
- 6.4** When conducting reviews pursuant to the requirements of Section 6.3, the reviewing authorities must consider, in addition to other review criteria, the effect that the proposed subdivision may have on traffic congestion or unsafe conditions with respect to the use of existing public ways in the adjoining municipality in which part of the subdivision is located.
- 6.5** A subdivision review shall consist of three stages, identified as:
Stage 1: Pre-application review.
Stage 2: Department review.
Stage 3: Planning board review.
- 6.6** A public hearing shall be required for all subdivision applications and revision applications. Notice of any public hearing must be given to the applicant and published at least two times in a newspaper having general circulation within the municipality. The date of the first publication of the notice must be at least 7 days before the hearing. Notice of the hearing must be given to the town manager, the public works, wastewater treatment, school and public safety departments and the public water service provider if public water will be utilized.
- 6.7** In all instances during an application review, the burden of proof is upon the applicant.
- 6.8** The planning board may request the assistance of any qualified consultant during an application review. The applicant must be notified before the board may retain the services of any consultant. Consultant fees are the applicant's responsibility. Fees for any consultant hired by the town must be paid by the applicant before the planning board may act on the application in accordance with Section 7.5.12.
- 6.9** The planning board may waive non-applicable or unnecessary application content in accordance with the requirements of Section 14. Except as provided for in Section 8.17, the board of appeals must grant any dimensional variance requested by the applicant and must do so before the board may act on the application in accordance with Section 7.5.
- 6.10** The planning board may approve a subdivision for construction in phases in accordance with any performance guarantees meeting the requirements of Section 10.
- 6.11** All planning board members who approve a subdivision application must sign and date 2 paper copies and 1 polyester film copy of the subdivision plat. One signed paper is for town records. The second signed paper copy and the signed polyester film copy are for formal recording of the approved subdivision as required by law. The final approval will be contingent upon filing of the plat at the Hancock County Registry of Deeds by the applicant. Recording of the approved subdivision plat must take place as soon as possible after the date of approval by the planning board, but in no case later than 90 days from the date of approval. If an approved subdivision plat is not recorded in accordance with this section, the approval is null and void. The

applicant must provide the code enforcement officer with 1 paper copy of the approved plat that has been stamped with recording information by the registry.

6.12 The planning board may not accept or approve final plats or final documents that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, § 13907.

6.13 No application may be approved by the planning board if:

- the applicant is in default of a court judgment concerning a subdivision previously approved by the board,
- the application is not in compliance with all applicable requirements of this ordinance and subdivision law,
- the applicant has not obtained any other permit or approval that is a prerequisite to final approval, or
- the parcel of land being subdivided has been subjected to excessive timber harvesting within 5 years of the date the applicant became owner of the land.

6.14 Any subsequent division of an approved subdivision lot is subject to planning board approval in accordance with Section 13.

6.15 All applications and submissions for approval filed with the planning board shall include such forms as the planning board may from time to time approve.

SECTION 7 APPLICATION REVIEW REQUIREMENTS

STAGE 1 PRE-APPLICATION REVIEW

7.1 The purpose of the Stage 1 pre-application review is to provide a landowner and the code enforcement officer an opportunity to conduct a mutually informative introductory discussion about the proposed subdivision and the subdivision ordinance requirements in general. The pre-application review shall be conducted in accordance with the following procedures:

7.1.1 Upon receiving a notification of intent to subdivide property and other documents as required by Section 7.2, the code enforcement officer shall arrange one or more meetings with the landowner to discuss the proposed subdivision and the general requirements of the ordinance.

7.1.2 The code enforcement officer shall conduct a site inspection to document conditions of the property to be subdivided. The documentation shall be in a format that is approved by the planning board.

7.1.3 The landowner or an authorized representative must be present during the site inspection. Prior to the site inspection, the landowner must place marks to identify the course of any proposed streets and to identify the approximate front corners of each lot.

7.1.4 Site inspections may not be conducted during periods of snow cover.

7.1.5 Upon completion of the site inspection, the code enforcement officer shall provide the landowner with relevant information concerning the preparation of the application for Stage 2 department review.

7.1.6 The requirements of the Stage 1 pre-application review shall be completed within 30 days after receipt of all required submissions as described in Section 7.2, or within any other timeframe agreed upon by the code enforcement officer and landowner.

7.1.7 The Stage 1 pre-application review may not be considered the initiation of the subdivision review process for the purposes of bringing the application under the protection of Title 1, §302.

STAGE 1 PRE-APPLICATION REVIEW SUBMISSIONS

- 7.2** The following submissions are required for a Stage 1 pre-application review:
- A completed notice of intent to subdivide form.
 - Evidence of the landowner's right, title or interest in the parcel being subdivided.
 - A copy of the assessor's tax map showing the parcel to be subdivided.
 - A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision.
 - A basic description of existing and proposed public facilities and utilities, existing and proposed protective covenants and any proposed street improvements.
 - A drawing showing the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The drawing may be a freehand, penciled sketch and must include general information to describe or outline the existing conditions of the site such as ledge outcroppings, steep slopes, wet areas and vegetative cover.

STAGE 2 DEPARTMENT REVIEW

- 7.3** The purpose of the Stage 2 department review is to provide an opportunity for municipal department officials to review an application before it is submitted to the planning board and to identify any potential impact the development may have on municipal services, natural resources, abutters or the public health, safety or welfare. The intent of this preliminary review is to inform the applicant of any potential issues that should be addressed in the application prior to submittal to the planning board, as well as to provide the applicant with general information about the Stage 3 application requirements. Abutters and other parties of interest are also provided an opportunity to preview the application before its formal submission to the planning board and required public hearing.
- 7.3.1** A subdivision application for Stage 2 department review must be submitted to the code enforcement office within 12 months after the end of Stage 1 review or Stage 2 review may not be conducted. The code enforcement officer may extend the application submission deadline if the applicant demonstrates that the delay is due to circumstances beyond his control. If the deadline cannot be extended, the application review shall be terminated. Any application failing to comply with submission deadlines may be resubmitted for Stage 1 review.
- 7.3.2** A non-refundable administrative fee of \$100.00 must be submitted with a Stage 2 application.
- 7.3.3** Within one week of receipt of a Stage 2 subdivision application, the code enforcement officer shall mail a notice describing the proposed subdivision and its location to the following parties:
- All abutters to the parcel of land containing the proposed subdivision and non-abutters within 100 feet of the parcel.
 - The town clerk and the reviewing authority of any municipality that abuts or includes any portion of the parcel of land containing the subdivision.
 - Any public water supplier if the subdivision is within its source water protection area.
- 7.3.4** A waiver request must be submitted with the application for any submission required by Section 7.4 that is not included with the application, unless such submission is clearly not applicable.
- 7.3.5** The code enforcement officer shall submit 6 copies of the subdivision application to the town manager for distribution to municipal department directors and the public water supplier if public water is required by the subdivision. Written comments concerning the proposed subdivision must be submitted to the town manager within

- one week of receiving the application for review. The town manager shall forward all received comments to the code enforcement officer.
- 7.3.6 The code enforcement officer shall provide the applicant with a copy of any written comments received during Stage 2 department review and any relevant information concerning the preparation of the application for Stage 3 planning board review.
- 7.3.7 The requirements of Stage 2 department review shall be completed within 30 days after receipt of a subdivision application, or within any other timeframe agreed upon by the code enforcement officer and applicant.
- 7.3.8 The Stage 2 department review may not be considered the initiation of the subdivision review process for the purposes of bringing the application under the protection of Title 1, §302.

STAGE 2 DEPARTMENT REVIEW SUBMISSIONS

- 7.4** Stage 2 applications must comply with the following requirements as applicable:
- 7.4.1 **Basic format of subdivision plats:**
- Black ink on white paper at a scale of one inch equals not more than 100 feet. 8 copies must be provided.
 - Paper size no larger than 24" x 36", with a margin of at least one inch and two inches on the left side for binding purposes.
 - A north point arrow and a graphic scale.
- 7.4.2 **Basic identifying information:**
- The subdivision name, the name of the municipality, name and address of the record owner of the parcel to be subdivided, and the name and address of the subdivision developer.
 - The registry of deeds book and page number of any current deed involving the parcel to be subdivided and of all contiguous lots.
 - The names of adjacent subdivisions, if any, and the names and mailing addresses of owners of record of contiguous lots.
 - Zoning districts affecting the subdivision parcel and contiguous lots.
 - Name, address, license number, seal and signature of the surveyor providing surveying data.
 - Name, address, license number, seal and signature of the engineer providing engineering data, if any.
 - Numerical identification of each proposed lot.
 - A location map based on a USGS topographic map.
 - Date of the plat.
- 7.4.3 **Basic dimensional information:**
- Size, in acres, of the parcel to be subdivided.
 - Size, in acres, of each proposed lot.
 - Bearings and lengths of the boundary lines of the existing parcel and proposed lots, as identified by a standard boundary survey.
 - Width of street frontage and shore frontage, if applicable.
- 7.4.4 **Identification of the natural features of the parcel to be subdivided:**
- Topography, shown as contour lines at intervals determined by the planning board.
 - Approximate locations of timber harvesting subject to Maine Forest Service liquidation harvesting standards, if any.
 - Water-bodies, including ponds, rivers, streams and freshwater wetlands, if any.

- Any location on or adjacent to the parcel to be divided that has been identified in the comprehensive plan as an essential habitat for rare, threatened or endangered plants or animals.
- Approximate locations of ledge outcroppings, if any.
- Existing surface water drainage flow patterns.
- The location of significant sand and gravel aquifers, if any.
- The location of any other natural features or unique site elements.

7.4.5 **Site development information, existing and proposed:**

- The location and size of sewer and water utilities, including manholes and hydrants.
- The location of public water and sewer service connections for each lot.
- The location of soil test pits.
- A storm water management plan, including erosion and sedimentation control measures, and the location and dimensions of culverts, ditches, catch basins and curbing.
- The location and right-of-way width of any public or private street providing direct access to lots in the subdivision or providing general access to the subdivision development.
- Construction drawings showing a plan view, profile, and typical cross-section of any proposed street. The plan view must be at a scale of one inch equals no more than 40 feet. The vertical scale of the profile must be one inch equals no more than 5 feet.
- The location and width of any sidewalk providing access to lots in the subdivision.
- The location and width of any easement.
- The location and dimensions of any buildings, driveways, parking spaces or other impervious surfaces.
- The location of any park or other public space.
- The location and description of any private water supply for fire fighting purposes.
- The preliminary design of any bridge that may be required.

STAGE 3 PLANNING BOARD REVIEW

- 7.5 The purpose of Stage 3 planning board review is to fulfill the board's statutory obligation as the municipal reviewing authority to review proposed subdivisions and to issue approval for those that meet the requirements of this ordinance and Title 30-A §4401 et seq.
- 7.5.1 A subdivision application for Stage 3 planning board review must be submitted to the code enforcement office no less than 3 weeks prior to the date of review by the planning board.
- 7.5.2 If a subdivision application for Stage 3 review is not submitted within 12 months after the end of Stage 2 review, the application review shall be terminated. Any application failing to comply with submission deadlines may be resubmitted for Stage 1 review.
- 7.5.3 Upon submission of a subdivision application for Stage 3 review, the code enforcement officer shall provide the applicant with a receipt documenting the application submittal date and the date upon which the planning board will receive the application for review.
- 7.5.4 Before the planning board may begin a Stage 3 review, the applicant must submit a non-refundable review fee to the town during regular business hours. The fee shall be \$25.00 per lot or \$100.00, whichever is greater.
- 7.5.5 The applicant or an authorized representative must attend all meetings of the planning board that pertain to the application review.

- 7.5.6 The planning board shall take the following actions during Stage 3 review of a subdivision application:
- Consider the code enforcement officer's report on the application.
 - Consider waiver requests, if any.
 - Consider any issues concerning the application's compliance with Section 10 development standards.
 - Conduct a site visit, if required.
 - Determine if the application is complete.
 - Conduct a public hearing on the application in accordance with the requirements of Section 7.5.11.
 - Conduct a compliance review of the Section 11 criteria.
 - Approve, approve subject to conditions or deny the application.
- 7.5.7 The code enforcement officer shall submit a report on the proposed subdivision to the planning board at the commencement of Stage 3 review. The report shall contain the following information:
- Observations made during the Stage 1 site visit.
 - Any written comments received from municipal department officials, abutters and other parties of interest during Stage 2 review of the application.
 - Documentation of any issued variance.
 - Comments on application content requirements.
 - Comments on the application's compliance with applicable development standards.
 - Any waiver request submitted by the applicant.
- 7.5.8 The planning board shall consider waiver requests in accordance with the requirements of Section 14. In the event a waiver request is denied, review of the application may be tabled until such time the required application item is provided.
- 7.5.9 The planning board may conduct a site inspection at any point during Stage 3 review if deemed necessary to address any question involving submitted information or to strengthen familiarity with the subdivision site.
- 7.5.10 The planning board must notify the applicant in writing that the application is complete or incomplete within 30 days after beginning Stage 3 review. If deemed incomplete, the planning board must notify the applicant in writing of the specific additional material needed to complete the application.
- 7.5.11 The planning board shall conduct a public hearing during the initial Stage 3 review of the application. In the event the application is deemed to be incomplete during the initial review, the public hearing shall be continued after the application is deemed complete.
- 7.5.12 The planning board must, within 30 days after a public hearing or within any other time limit agreed upon by the applicant and the board, determine if the application meets the criteria described in Section 9 and decide to:
- approve the application,
 - approve the application subject to any terms and conditions that it considers advisable to satisfy the criteria standards of Section 9, satisfy any other regulation adopted by the planning board and protect and preserve the public's health, safety and general welfare, or
 - deny the application.
- 7.5.13 A decision made in accordance with Section 7.5.12 must be documented in writing and a copy given to the applicant within 10 days of the date of the decision. In issuing its decision, the planning board shall make written findings of fact establishing that the proposed application does or does not meet the criteria standards in Section 9. The decision constitutes the conclusion of the subdivision review.

STAGE 3 APPLICATION CONTENT

- 7.6** A Stage 3 application plat must contain the following information, in addition to the required Stage 2 submissions and any other requirements identified by the planning board:
- A statement that a variance has been granted from a subdivision standard and a description of the variance, if applicable.
 - A statement that a waiver has been granted from a subdivision standard and a description of the waiver, if applicable.
 - A statement that the subdivision is exempt from Site Location of Development review by the Maine Department of Environmental Protection, if applicable.
 - A statement that the lowest floor, including basements, for principal structures in a floodplain must be located no less than one foot above the 100-year flood elevation, if applicable.
 - A statement that any driveway or entrance onto a state or state-aid highway conforms to Title 23, §704 and any rules adopted under that section, if applicable.
 - A statement that any private street within the subdivision must be maintained by the developer or a road maintenance association, if applicable.
 - A statement that planning board approval is required for any subsequent revision or amendment to the approved subdivision plat, in accordance with Title 30-A, §4407 and Section 13 of this ordinance.
 - A statement that lots are for single-family dwellings and accessory structures only, if that is a condition of approval by the planning board.
 - A statement of approval on the final plat, which shall be worded: *“The Town of Bucksport Planning Board has conducted a review of this subdivision plat and found it and supporting documents on file in the Bucksport Town Office to be in compliance with the applicable provisions of the Bucksport Town Code, Appendix C, Subdivision Ordinance and Title 30-A M.R.S.A. §4401 et seq. The Planning Board hereby approves this plat and, upon recording of the approved plat at the Hancock County Registry of Deeds, the construction of improvements and the conveyance of lots as shown may commence, subject to any conditions stated on the approved plat. No buildings may be constructed or installed in this subdivision before all required permits have been issued.”*
 - A signature block for seven planning board signatures and additional lineage for hand-written conditions of approval.
- 7.6.1** 8 paper copies of the subdivision plat and 1 polyester film copy must be provided for Stage 3 review.
- 7.7** The following documents must be submitted with the application, as applicable:
- Written offers of cession to the municipality of all public open space shown on the plat and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the applicant, are to be maintained.
 - Written evidence that the municipal officers are satisfied with the legal sufficiency of the documents referred to above.
 - A list of the construction items that will be completed by the developer prior to the sale of lots and a list of construction and maintenance items that must be borne by the municipality.
 - Written evidence of any performance guarantee provided in accordance with Section 10.
 - Documentation of any required dimensional variance from the board of appeals.
 - A copy of any required entrance permit from the Maine Department of Transportation.

- 7.8 The applicant or a road association must maintain all required improvements and provide for snow removal on streets and sidewalks within the approved subdivision until acceptance of the improvements by the municipal officers.

SECTION 8 DEVELOPMENT STANDARDS

- 8.1 All subdivisions must comply with the applicable development standards in this section, except as may be waived or varied in accordance with Section 14. The development standards applicable to mobile home parks are described in Section 8.18.

8.2 LOTS AND BLOCKS

- 8.2.1 Lots and blocks must comply with the standards in this section as may be applicable.
- 8.2.2 The minimum lot size and frontage dimensions must conform to the dimensional requirements of the zoning district in which the lots are located. In the event a lot is in more than one zoning district, the most restrictive dimensional requirements will apply to the entire lot. Minimum lot dimensional requirements and zoning district boundaries are identified in Appendix K, Land Use Ordinance. [See Section 16.2 for additional requirements]
- 8.2.3 Double frontage lots and reverse frontage lots must be avoided except where required to separate a residential development from an arterial street or to overcome specific disadvantages of topography and orientation.
- 8.2.4 Side lot lines must be substantially at right angles to straight street lines and radial to curved street lines.
- 8.2.5 Lots with more than twice the required minimum size must be laid out so that future divisions will comply with dimensional requirements, unless a deed restriction or a note on the plat states that future divisions are prohibited. If future divisions are allowed, a deed restriction or note on the plat must state that any future division is subject to the conditions placed on the original approval.
- 8.2.6 Any subdivision lot with shore frontage on a river, stream, great pond or wetland may not exceed a lot width to depth ratio of 1:5.
- 8.2.7 Any subdivision lot with frontage on that portion of Penobscot River within the Resource Protection District and which is designated as an outstanding river segment [Title 30-A, §4401(7.M)] must be configured so that the combined shore frontage and structure setback will be no less than 500 feet.
- 8.2.7.1 For the purposes of compliance with Section 8.2.7, any proposed subdivision lot that may be separated from the Penobscot River with a strip of land less than 250 feet wide must be reviewed as if lot lines extend to the shore.
- 8.2.8 The following land may not be included when calculating the minimum lot size:
- Land located in areas of a special flood hazard, which are identified as Zones A or AE in a report published by the Federal Emergency Management Agency entitled “Flood Insurance Study Town of Bucksport, Maine, Hancock County,” dated November 4, 1988 with accompanying “Flood Insurance Rate Map” dated November 4, 1988.
 - Land located below the upland edge of a freshwater wetland or below the normal high water line of a water body. Freshwater wetlands may be identified utilizing the 1995 National Wetland Inventory Map or the town’s Official Shoreland Zoning Map, and may also be delineated in the field by a qualified professional.
 - Land of two contiguous acres or more with sustained slopes of 20% or greater.
 - Land subject to a legal right-of-way or easement.

- 8.2.9 All corners of individual lots must be marked with permanent monuments, which may be made of concrete, stone or iron. Monuments must be installed by a licensed surveyor and easily located.
- 8.2.10 The length, width and shape of blocks must be based on:
- minimum lot size requirements,
 - any special needs of the type of use contemplated,
 - the need for convenient access, circulation, control and safety of street traffic,
 - limitations and opportunities of topography, and
 - vegetation, exposure, and geological character of land.
- 8.2.11 In blocks exceeding 800 feet in length along a street, a 20-foot wide easement through the block may be required by the planning board for the crossing of underground utilities and pedestrian traffic where needed or desirable. The planning board may further specify that a 5-foot wide paved footpath or sidewalk be included within the easement.

8.3 STREETS

- 8.3.1 Proposed streets must comply with the requirements of Chapter 10 Roads and Streets, the rules and regulations of the Maine Department of Transportation, and this section, as applicable.
- 8.3.1.1 The board may approve the use of a mineral surface for a proposed street, provided that the street design will comply with an approved stormwater management plan for the subdivision, and that it is constructed in accordance with the applicable design and construction standards in Chapter 10 of the Bucksport Town Code. Asphalt pavement shall be required before any street constructed for a subdivision may be accepted by the town as a public street.
- 8.3.1.2 The board may approve the use of an existing private street finished with a mineral surface to provide access to a proposed subdivision, provided that the street is improved to the extent necessary to comply with the requirements of Chapter 10 Roads and Streets and to comply with an approved stormwater management plan for the subdivision. Asphalt pavement shall be required before any existing private street approved for access to a subdivision may be accepted by the town as a public street.
- 8.3.2 Proposed improvements to existing public streets must be approved in writing by the Bucksport Town Council, the Bucksport Public Works Director or the Maine Department of Transportation, as appropriate.
- 8.3.3 Approval of any subdivision plat on which a proposed street or public easement is shown does not constitute or acknowledge acceptance by the municipality of the street or easement.
- 8.3.4 Any private subdivision street must be maintained by the applicant or a road maintenance association established by the applicant or lot owners in the subdivision.
- 8.3.5 All streets must be constructed according to specifications overseen by the public works director or town engineer.
- 8.3.6 The arrangement, character, extent, width, grade, and location of all streets must be considered in relation to existing or planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by such streets.
- 8.3.7 Reserve strips controlling access to streets are prohibited except where the control is placed with the municipality under conditions approved by the planning board.
- 8.3.8 The planning board may require a subdivision plat to show reserved areas for widening or realigning any existing street that does not meet minimum dimensional requirements. The area must be identified on the plat as “*Reserved for Road*”

Realignment or Widening Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance.

- 8.3.9 The planning board may require the reservation of a 20-foot wide easement to extend from the end of a dead-end street for pedestrian traffic or utilities.
- 8.3.10 The board may require the reservation of a 50 or 66-foot wide easement to extend from the end of a dead-end street to provide continuation of the road for future development.
- 8.3.11 Any new street in a subdivision must be named. Proposed names must be approved by the addressing officer.
- 8.3.12 Street name and traffic signs must be furnished and installed by the applicant for streets within the subdivision. The design and location of the signs must be approved by the public works director and the planning board.
Street lighting and crosswalk striping must be installed as required and approved by the board.
- 8.3.13 A sidewalk must be installed on any subdivision street that intersects with a street on which a sidewalk is located at or near the point of intersection, or when otherwise required by the planning board for public safety purposes.
- 8.3.14 All costs involved in the installation of any required sidewalk are the responsibility of the applicant.
- 8.3.15 Following street construction, the applicant must conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site must be indicated on the plat and be suitably covered with fill and topsoil and limed, fertilized, and seeded.

8.4 TRAFFIC AND ACCESS MANAGEMENT

- 8.4.1 Traffic management, driveways and entrances on roads that are not subject to rules established by the Maine Department of Transportation must comply with the requirements of this section. Traffic management, driveways and entrances on state and state-aid roads must comply with rules established by the Maine Department of Transportation and any requirements of this section that may be more restrictive.
- 8.4.2 Any street within a subdivision development and any intersection that provides a direct entrance to the development from a public or private street must be designed to minimize traffic congestion and safety hazards.
- 8.4.3 The planning board may require turning lanes, traffic directional islands, traffic controls or other traffic management features to safeguard against hazards to traffic and pedestrians.
- 8.4.4 Subdivision developments may be required to have two or more entrances to the development.
- 8.4.5 Where a subdivision abuts an arterial street, the board must limit access to lots within the subdivision from the arterial street in accordance with Maine Department of Transportation access management requirements.
- 8.4.6 In areas zoned for commercial use, the street right-of-way and pavement width must allow traffic to flow freely without interference from parked or parking vehicles.
- 8.4.7 Streets must be designed to minimize wait time for turning vehicles at intersections. The planning board may require a study or analysis to determine the need for a left-turn storage lane. Left lane storage capacity must be designed to meet anticipated demand.
- 8.4.8 Where topographic and other site conditions allow, the planning board may require a driveway access between adjoining lots with existing or potential commercial uses if such access will facilitate fire protection services or enable the public to travel between two existing or potential uses without traveling on a public street.

8.4.9 Accesses must be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances must be measured from the driver's seat of a vehicle parked at the exit with the front of the vehicle a minimum of 10 feet behind the curblineline or edge of shoulder. The driver's eye must be 3 1/2 feet above the ground. The measured sight distance is determined by measuring the maximum distance that the top of a 4 1/4 foot tall object located on the centerline of the street is visible to the driver's eye. This measurement must be taken from both directions.

8.4.10 A minimum sight distance must be maintained or provided. The required sight distances for various posted speed limits are as follows:

Operating Speed (mph)	Safe Sight Distance - Left (ft.)	Safe Sight Distance - Right (ft.)
20	130	130
30	220	260
40	380	440
50	620	700

8.4.11 Street intersections and curves must be designed to provide adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot within 25 feet of an intersection must be cleared of all growth (except isolated trees) and other obstructions preventing adequate visibility.

8.4.12 Driveways on existing or proposed collector streets may be limited by the planning board to a frequency of one per 400 feet of street frontage.

8.4.13 Driveways on existing or proposed arterial streets may be limited by the planning board to a frequency of one per 1000 feet of street frontage.

8.4.14 If a lot has frontage on two or more streets, the entrance to the lot must be on the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians, as determined by the planning board.

8.4.15 If a proposed subdivision includes a development plan or involves existing buildings, parking areas must comply with the parking standards in Appendix K Land Use Ordinance.

8.5 UTILITIES

8.5.1 Any subdivision within an area designated in the comprehensive plan as a growth area must make provisions for connection to existing public utilities, except as may be waived in accordance with the requirements of Section 14.

8.5.2 Any proposed public water system must be reviewed and approved in writing by the servicing water company and the fire department, and comply with the applicable provisions of the State of Maine Rules Relating to Drinking Water, 10-144 CMA 231.

8.5.3 Any proposed public sewer system must be reviewed and approved by the superintendent of wastewater treatment.

8.5.4 The planning board may require underground electrical, cable and telephone transmission lines for subdivisions within a growth area designated by the comprehensive plan.

8.6 GROUNDWATER

8.6.1 A public water supply system with fire hydrants is required for any subdivision located within the existing service area of the municipal water service provider or an area designated in the comprehensive plan as a growth area. The location of fire hydrants must be approved by the fire department and the water service provider.

- 8.6.2 The applicant shall be responsible for paying the costs of required improvements to the public water supply system, including treatment and distribution facilities that are necessary to meet the expected demand for water in a fully developed subdivision.
- 8.6.3 A private water supply must be provided for any subdivision that is exempt from meeting the requirements of Section 8.6.1. The water must be supplied by wells installed on each lot or supplied by a private central water supply system.
- 8.6.4 If a private central water supply system is proposed, the location and protection of the source and the design, construction, and operation of the distribution system and appurtenances and treatment facilities must conform to the applicable standards of the Maine Drinking Water Program.
- 8.6.5 The planning board may require a civil engineer or geologist registered in the State of Maine to approve the design and location of any private water supply. The board may also require water quality testing to be performed by a qualified water-testing laboratory.
- 8.6.6 Individual wells must be sited and constructed to prevent the infiltration of surface water, subsurface wastewater and other sources of potential contamination. Wells may not be constructed within 100 feet of the traveled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street.
- 8.6.7 The planning board may require a hydrogeology assessment. The assessment must contain at least the following information:
- A map showing the basic soil types.
 - The depth to the water table at representative points throughout the subdivision.
 - Drainage conditions throughout the subdivision.
 - Data on the existing ground water quality from test wells in the subdivision or from existing wells on neighboring properties.
 - An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation must, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is the shortest distance.
 - A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- 8.6.8 Projections of ground water quality must be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- 8.6.9 Subsurface wastewater disposal systems and water wells must be constructed as shown on the map submitted with the assessment. Any other measures recommended in the assessment to reduce ground water contamination and protect drinking water supplies must be included as a note on the final plat and as restrictions in the deeds to the affected lots.
- 8.6.10 In areas where the fire department has identified the need for additional water storage capacity for fire fighting purposes, the planning board must require the applicant to provide adequate water storage facilities, except as provided for in Section 8.6.12. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement must be granted to the municipality for access to and maintenance of dry hydrants or reservoirs where necessary. A suitable access to the hydrant or other water source must be constructed by the applicant.

- 8.6.11 If required by the planning board, the minimum water storage capacity for a subdivision must be 10,000 gallons plus 2,000 gallons per lot or principal building. The board may require additional storage capacity upon recommendation from the fire department. If ponds are proposed for water storage, the capacity of the pond must be calculated based on the lowest water level less an equivalent of three feet of ice.
- 8.6.12 The board may waive the requirement for water storage in accordance with the provisions of Section 14.

8.7 **WASTEWATER**

- 8.7.1 A public sewage disposal system is required for any subdivision located within the existing service area of the municipal sewage disposal system and may be required within an area designated in the comprehensive plan as a growth area. The system must be installed in accordance with the requirements of Chapter 9 Sewers and Drains.
- 8.7.2 Public sewage disposal system proposals shown on the subdivision plat must be approved in writing by the superintendent of wastewater treatment. The approval must be obtained before the board may complete the final review of the subdivision application.
- 8.7.3 The superintendent must certify that service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or that capacity improvements are planned to be completed in conjunction with the development of the subdivision.
- 8.7.4 Sewage disposal for any subdivision located outside the public sewage disposal service area must be provided by private subsurface wastewater disposal systems or a private treatment facility.
- 8.7.5 The applicant must submit evidence of suitable soils for new subsurface wastewater disposal systems. Evidence must be provided by a Maine Licensed Site Evaluator or other qualified professional in the form of a soils analysis report based on soils sampled at no less than 2 separate locations on each lot, or an HHE-200 septic system design may be provided for each lot prepared in accordance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
- 8.7.6 In no instance may a disposal area be on a site that requires a new system variance from the subsurface wastewater disposal rules.
- 8.7.7 Subsurface wastewater disposal systems must comply with the State Subsurface Wastewater Disposal Rules.

8.8 **SOLID WASTE**

- 8.8.1 Solid waste disposal from a proposed subdivision may not exceed the capacity of the municipal solid waste facility, as determined by the town manager, nor cause the facility to be non-compliant with its license from the Maine Department of Environmental Protection.
- 8.8.2 To assure compliance with the requirements of 8.8.1, the planning board may require the applicant to directly contract for the disposal of solid waste with a licensed disposal facility.
- 8.8.3 On-site disposal of demolition, construction and clearing debris must comply with applicable Maine Solid Waste Management Regulations.

8.9 **EROSION CONTROL**

- 8.9.1 An erosion and sedimentation control plan that includes best management practices as described in the *2003 Maine Erosion and Sedimentation Control Best*

Management Practices, or most recent edition published by the Maine Department of Environmental Protection, must be included with the application if the subdivision includes road construction or other development activities resulting in soil disturbance.

8.9.2 A storm water management plan designed by a Maine registered engineer must be submitted to the planning board for any subdivision subject to the Maine Storm Water Management Law.

8.9.3 An easement must be granted to the municipality for any watercourse or drainage way that passes through a subdivision lot if such watercourse or drainage way is identified in a storm water management plan as a key component of a storm water drainage system for a public road. Such easement widths must be sufficient to allow access for maintenance and repairs to the drainage way or any structures therein.

8.9.4 Storm water management within the direct watershed of a great pond must be designed to minimize phosphorous export in accordance with the requirements of Section 8.11

8.9.5 Topsoil may not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

8.10 BUFFERS

8.10.1 The planning board may require corner lots of a subdivision located in a rural district to contain a vegetated buffer to minimize the visual impact of development. This requirement applies to lots located at the intersection of a subdivision street and a public street.

8.10.2 Street trees, esplanades, and open green spaces may be required by the planning board and must be shown on the subdivision plat and executed by the applicant as construction of the subdivision progresses.

8.10.3 All esplanade or planting strip areas at sides of streets must receive at least 2 inches of compacted topsoil free of stones over one inch in diameter. Planting strips are to be limed and fertilized, and seeded with suitable grass seed to provide a suitable stand of grass.

8.10.4 In any subdivision, vegetated buffers adjacent to a great pond, river, brook, stream or freshwater wetland must comply with applicable regulations of the Maine Natural Resource Protection Act and applicable regulations of the town's shoreland zoning standards.

8.11 NATURAL RESOURCES

8.11.1 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 subdivision plat must include appropriate measures for the preservation of the values that qualify the site for such designation.

8.11.2 If any portion of a proposed subdivision lies within any of the wildlife habitat areas identified below, the planning board must require an impact assessment report prepared by a wildlife biologist. This report must assess the potential impact of the subdivision on the habitat and adjacent areas that are important to the maintenance of the affected species and describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts. The wildlife habitat areas include:

- Habitat for species appearing on the official state or federal lists of endangered or threatened species.
- High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas.
- Shorebird nesting, feeding and staging areas and seabird nesting islands.

- Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission.
 - High or moderate value deer wintering area or travel corridor.
 - Other important habitat areas identified in the comprehensive plan.
- 8.11.3 Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist. Written comments by the Department or biologist pertaining to any identified resources must be submitted to the board. The following guidelines apply to those subdivisions that include significant wildlife habitat or resources identified in Section 8.11.2:
- 8.11.3.1 Habitats of species appearing on the official state or federal lists of endangered or threatened species must be placed in areas protected through conservation easements or deed restrictions.
- 8.11.3.2 Deed restrictions and notes on the plat must reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species, unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.
- 8.11.4 There may be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:
- Shorebird nesting, feeding and staging areas and seabird nesting islands.
 - High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas.
 - Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission.
 - Other important habitat areas identified in the comprehensive plan.
- 8.11.5 The report prepared by a wildlife biologist must include a management plan for deer wintering areas, if applicable.
- 8.11.6 If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas must be reviewed by the department or a qualified wildlife biologist and their comments presented in writing to the board.
- 8.11.7 If any portion of a proposed subdivision is within the direct watershed of a great pond, phosphorus control measures must be required and must meet applicable requirements of the *Maine Stormwater Management Design Manual*, most recent edition published by the Maine Department of Environmental Protection hereafter referred to as the MSMD Manual.
- 8.11.8 The maximum phosphorus export per acre of developed land for each great pond in Bucksport shall be as follows, expressed as pounds per acre:
- Brewer Lake- 0.058
 - Hancock Pond- 0.031
 - Jacob Buck Pond- 0.034
 - Long Pond- 0.037
 - McGann Bog- 0.04
 - Moulton Pond- 0.066
 - Mud Pond- 0.05
 - Silver Lake- 0.041
 - Thurston Pond- 0.054
 - Williams Pond- 0.041

- 8.11.9 Any subdivision within the watershed of a great pond may not exceed the applicable phosphorus export standard contained in Section 8.11.8. Section 8.11.8 must be updated as required by amendments to the comprehensive plan, reflecting changes in expected development rates.
- 8.11.10 If a proposed subdivision creates lots that are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant must calculate phosphorus loading and design phosphorus controls measures based on the maximum feasible number of lots, or reserve a portion of the permitted phosphorus export for future divisions.
- 8.11.11 Provisions for monitoring, inspections, and maintenance of phosphorus control measures must be described in the application, and must comply with the applicable provisions in the Technical Guide.

8.12 HISTORIC AND SCENIC AREAS

- 8.12.1 If any site of historic or prehistoric importance identified by the Maine Historic Preservation Commission is within or abutting a proposed subdivision, the subdivision application must be submitted to the commission for review. The planning board may require any measures for the protection of the historic or prehistoric resources recommended by the commission to be included in the subdivision application.
- 8.12.2 Development of lots in scenic areas that have been identified in the 2003 Bucksport Comprehensive Plan must provide for the preservation of trees and other vegetation in landscaping designs. The planning board may require a buffer in accordance with the requirements of Section 8.10 to minimize the visual impact of the development on nearby scenic resources.

8.13 FLOOD HAZARD AREAS

- 8.13.1 When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the following requirements must be met:
- Any public utilities and facilities, such as sewer, gas, electrical and water systems that must be located in a floodplain, must be constructed to minimize the risk of flood damages to any structure.
 - Adequate drainage must be provided so as to reduce exposure to flood hazards.
 - The subdivision plat must include a statement that structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation and that the municipality may enforce any violation of the construction requirement.
- 8.13.2 The above information must be included in any deed, lease, purchase and sale agreement, or in any document transferring or expressing intent to transfer any interest in real estate or structure.

8.14 RESERVED LAND

- 8.14.1 The planning board may require any subdivision to reserve up to 10% of the total parcel for open space or recreational use. The board must require a subdivision of more than 4 lots to reserve up to 10% of the total parcel for open space or recreational use, except as provided for in Section 14.2.
- 8.14.2 In determining the need for open space, the board must consider:

- the needs identified in the comprehensive plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs,
 - the proximity of the subdivision to other reserved open space or recreation facilities,
 - the type of development and the demographic characteristics of potential residents in the subdivision, and
 - the density or lot sizes of the development.
- 8.14.3 Land set aside for open space or recreational use must be of a character, configuration and location suitable for the subdivision. Sites for such uses must preserve the scenic attributes of the location and provide trails for access and other improvements for the use and enjoyment of the area as may be necessary and appropriate.
- 8.14.4 A site intended for active recreation purposes, such as a playground or a play field, must be relatively level and dry, have a total frontage of at least 200 feet on one or more streets, and have no major dimensions of less than 200 feet.
- 8.14.5 Sites selected primarily for scenic or passive recreation purposes must have suitable access and no less than 25 feet of road frontage. The configuration of these sites must be adequate with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.
- 8.14.6 If the proposed subdivision is located on a great pond, river or coastal waters, a portion of the parcel located within the waterfront area must be included in the reserved land. Any existing public rights of access to the shoreline of a water body must be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.
- 8.14.7 The board may require the applicant to provide space for future municipal uses, in accordance with the town's comprehensive plan on a reimbursable basis with a 5-year option after which the space may be sold for other development.
- 8.14.8 The inclusion of any park, playground, or other recreation area on an approved subdivision plat may not be interpreted to mean that the park, playground or recreation is accepted by the municipality.
- 8.14.9 The planning board shall require the filing of a written agreement between the applicant and the municipal officers covering future deed and title, dedication, and provisions for the cost of development and maintenance of any proposed park, playground or recreation area.
- 8.14.10 All open space, common land, and recreational facilities must be owned by the applicant, the owners of the lots or dwelling units by means of a lot owners' association, or the municipality. If open space is owned by an entity other than the municipality, a conservation easement must be deeded to the municipality prohibiting future development.
- 8.14.11 Further subdivision of the common land or open space may not be allowed. No use other than non-commercial recreation, agriculture, conservation purposes, and easements for utilities may be allowed. Structures and buildings accessory to non-commercial recreational or conservation uses may be permitted on the common land.
- 8.15 FINANCIAL AND TECHNICAL CAPACITY**
- 8.15.1 The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria of subdivision law and the standards of these regulations. In making this determination, the planning board must consider the proposed timeframe for construction and the effects of inflation.

- 8.15.2 The applicant must demonstrate adequate technical ability to supervise and construct the required improvements in the proposed subdivision. In determining the applicant's technical ability, the board must consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors and the existence of violations of previous approvals granted to the applicant.

8.16 ZONING AND LAND USE

- 8.16.1 Any proposed subdivision must comply with all applicable zoning and land use standards in Appendix K Land Use Ordinance.
- 8.16.2 Any proposed subdivision must be consistent with the applicable goals of the town's comprehensive plan.
- 8.16.3 Any proposed subdivision must be reviewed by the planning board with respect to its effect upon existing services and facilities including, but not limited to; schools, busing, road maintenance, snow removal, police and fire protection, and recreational facilities. The board may require the applicant to provide an accurate estimate of the cost for increases to municipal services and facilities that will be required and the expected tax revenue of the subdivision.

8.17 CLUSTERED DEVELOPMENT

- 8.17.1 The planning board may approve a subdivision designed for a greater density of development if such type of development is compatible with the character of the surrounding area and provides areas of open space for wildlife habitat, natural or cultural resources and public recreation. A clustered development may also feature a flexibility of road design, diversity of housing types and creativity of housing placement to minimize impact to the natural features of the land, to protect scenic vistas and to assure adequate privacy to homeowners.
- 8.17.2 An application for a subdivision designed for clustered development must include a comparison to non-clustered development in terms of impacts upon the municipality. Examples of impacts are municipal costs for roads, school bussing, and utilities. The application must describe the natural and cultural features that will be preserved or enhanced by the cluster approach. These features include, but are not limited to, wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important historic sites identified by the comprehensive plan as worthy of preservation.
- 8.17.3 Only developments having a total site plan for structures may be considered. The application must illustrate the placement of structures, roads, parking and landscaping and the location of open spaces and recreational areas. No building may be located on slopes greater than 25%, within 100 feet of the normal high water line of any water body or upland edge of a freshwater wetland, or on soil classified as very poorly drained.
- 8.17.4 To determine the maximum number of lots, the net acreage must be divided by the minimum lot size required for the zoning district in which the parcel is located. The maximum number of lots may not exceed the maximum number allowed for a non-clustered development on the same parcel. The net acreage must be determined in accordance with Section 8.2.8.
- 8.17.5 Unless a community sewage collection and treatment system is provided, no lot may be smaller in area than 20,000 square feet.
- 8.17.6 No more than two lots in a cluster development may have frontage on a public road.
- 8.17.7 Reserved open space must be provided within the development and such space must equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by Appendix K. No less than 30% of the

- reserved open space must be available for recreational use.
- 8.17.8 All land reserved for open space must be dedicated for public use or use by property owners within the development and must be protected with conservation easements or deed restrictions.
- 8.17.9 If a cluster development abuts a body of water, a usable portion of the shoreline, and reasonable access to it must be a part of the common land.
- 8.17.10 In addition to reduced lot size, the planning board may allow other dimensional changes that do not comply with the dimensional standards of Appendix K when necessary to support the clustered scheme of development. Such a change is not considered a variance and does not require approval from the board of appeals.
- 8.17.11 Shore frontage may not be reduced below the minimum normally required by the zoning ordinance.

8.18 MOBILE HOME PARKS

- 8.18.1 Mobile home parks are required to comply with the development standards as described in this section.
- 8.18.2 Lot and block design must comply with Section 8.2, except:
- 8.18.2.1 The minimum required size of a mobile home park must also include areas for street rights-of-way, buffer strips if any and setback areas required within a shoreland zone. Areas for open space, storage or recreational use may be required in accordance with Section 8.18.14; and
- 8.18.2.2 Minimum lot size shall be in accordance with Section 8.18.17.
- 8.18.3 Street design and construction within a mobile home park must meet the following requirements:
- The design and construction must comply with the recommended standards of the Maine Manufactured Housing Board.
 - The street design plan must be prepared by a professional engineer who has affixed his seal to the plan.
 - The street right-of-way must be 23 feet wide of which 20 feet must be paved.
 - The street design must conform to reasonable safety standards applicable to intersections with public ways as described in Section 8.3.
- 8.18.4 Traffic and access management must comply with Section 8.4.
- 8.18.5 Utility installations must comply with Section 8.5, except:
- 8.18.5.1 The planning board may not require electrical or telephone lines to be installed underground within a mobile home park.
- 8.18.6 Source water supply must meet the requirements of Section 8.6.
- 8.18.7 Waste water disposal must meet the requirements of Section 8.7.
- 8.18.8 Solid waste disposal must meet the requirements of Section 8.8.
- 8.18.9 Erosion control measures must meet the requirements of Section 8.9.
- 8.18.10 Buffers must meet the requirements of Section 8.10, except:
- 8.18.10.1 A buffer strip between a mobile home park and an adjacent residential development may not be required unless the per-acre density of homes in the mobile home park is at least 2 times greater than that on the adjacent parcels or, if the adjacent parcels are undeveloped, at least 2 times greater than that allowed within the applicable zoning district;
- 8.18.10.2 No structure, street or utility may be placed in a buffer strip, except utilities may cross a buffer strip to provide services to a mobile home park; and
- 8.18.10.3 Natural screening may be required within the first 25 feet of a buffer strip as measured from the exterior boundaries of the mobile home park

if the requirements are no greater than those for other residential developments.

- 8.18.11 Protection of natural resources must meet the requirements of Section 8.11.
- 8.18.12 Protection of historic and scenic areas must meet the requirements of Section 8.12.
- 8.18.13 Mobile home parks located within a flood hazard area must meet the requirements of Section 8.13.
- 8.18.14 Land reserved for open space or recreational use must meet the requirements of Section 8.14, except:
 - 8.18.14.1 Areas for open space, storage or recreational use may not exceed 10% of the combined area of the individual lots in the mobile home park.
- 8.18.15 Mobile home parks are not subject to the requirements of Section 8.15 for cluster developments.
- 8.18.16 The applicant must demonstrate financial and technical capacity in accordance with Section 8.16.
- 8.18.17 Mobile home parks must meet the zoning and land use requirements of Appendix K Land Use, except:
 - 8.18.17.1 The minimum lot size per mobile home is 6,500 sq. ft. when served by public sewer;
 - 8.18.17.2 The minimum lot size per mobile home is 20,000 sq. ft. when served by individual subsurface wastewater disposal systems;
 - 8.18.17.3 The minimum lot size per mobile home is 12,000 sq. ft. when served by an on-site central subsurface wastewater disposal system, provided that the overall density of the mobile home park is no more than 1 mobile home per 20,000 sq. ft.; and
 - 8.18.17.4 The minimum front yard is 25 feet.

SECTION 9 CRITERIA REVIEW

- 9.1** Before approving any subdivision application, the planning board must determine that the proposed subdivision complies with the criteria contained in Sections 9.2-9.16 and Sections 9.17 or 9.18 if applicable. The board's determination must be based on the review of Section 8 and other requirements of this ordinance and State law.
- 9.2** **LOTS AND BLOCKS** The proposed subdivision:
 - contains lots that are appropriately laid out and are of adequate size to support the intended use and, if required to be arranged in blocks, such lots are arranged to fit the topographical and geological character of the land and are safe and convenient to access.
- 9.3** **STREETS** The proposed subdivision:
 - will comply with the minimum construction requirements for any new street that is proposed for the subdivision, and
 - will comply with the minimum construction requirements for any structural improvements the applicant is required to perform on any public street or public easement utilized for access to the subdivision.
- 9.4** **TRAFFIC AND ACCESS MANAGEMENT** The proposed subdivision:
 - will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed,

- has received approval from the Department of Transportation for driveways or entrances subject to Title 23, M.R.S.A. §704 and any rules adopted under that section, if applicable, and
- will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality if any part of the subdivision is located in that municipality.

9.5 **UTILITIES** The proposed subdivision:

- will be provided with required utilities for each lot.

9.6 **GROUNDWATER** The proposed subdivision:

- has sufficient water available for the reasonably foreseeable needs of the subdivision,
- will not cause an unreasonable burden on an existing water supply, if one is to be utilized, and
- will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

9.7 **WASTEWATER** The proposed subdivision:

- will provide for adequate wastewater disposal and
- will not cause an unreasonable burden on the municipal wastewater disposal system if it is utilized.

9.8 **SOLID WASTE** The proposed subdivision:

- will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

9.9 **EROSION CONTROL** The proposed subdivision:

- will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results and
- will provide for adequate storm water management.

9.10 **BUFFERS** The proposed subdivision:

- will have adequate buffers to minimize the impact of development on adjacent properties and the natural resources.

9.11 **NATURAL RESOURCES** The proposed subdivision:

- will not result in undue water or air pollution. In making this determination, the board has considered:
 - the elevation of the land above sea level and its relation to the flood plains,
 - the nature of soils and subsoils and their ability to adequately support waste disposal,
 - the slope of the land and its effect on effluents,
 - the availability of streams for disposal of effluents, and
 - the applicable state and local health and water resource rules and regulations.
- will not adversely affect the quality of any pond or lake or unreasonably affect the shoreline of any pond or lake whenever the subdivision is situated entirely or partially within the watershed of that pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B,
- has identified on any maps submitted as part of the application all potential freshwater wetlands within the subdivision, regardless of the size of those wetlands,

- has identified on any maps submitted as part of the application any river, stream or brook within or abutting the proposed subdivision, will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the subdivision,
- is not located on a parcel of land that has been owned by the applicant for less than 5 years and which has been harvested in violation of Maine Forest Service Rules pertaining to liquidation harvesting, and
- will have no lot with a lot depth to shore frontage ratio greater than 5 to 1 for any lots in the proposed subdivision that have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B.

9.12 **SCENIC AND HISTORIC AREAS** The proposed subdivision:

- will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

9.13 **FLOODPLAIN MANAGEMENT** The proposed subdivision:

- includes a condition on the plat that requires principal structures in the subdivision to be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. The plat also identifies the 100-year flood elevation and flood hazard boundaries within the subdivision. These requirements are applicable if any part of the subdivision is in a flood hazard area as identified on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.

9.14 **RESERVED LAND** The proposed subdivision:

- includes an appropriately sized area dedicated to open space or recreational use and an area designated for municipal use, as may be required.

9.15 **FINANCIAL AND TECHNICAL CAPACITY** The proposed subdivision:

- will be developed by an applicant who has adequate financial and technical capacity to meet the standards of this ordinance.

9.16 **ZONING AND LAND USE** The proposed subdivision:

- conforms with all applicable provisions of the Bucksport Town Code and the town's adopted comprehensive plan.

9.17 **CLUSTER DEVELOPMENTS** The proposed subdivision, if reviewed as a cluster development:

- conforms with all applicable provisions of the Bucksport Town Code and the town's adopted comprehensive plan.

9.18 **MOBILE HOME PARKS** The proposed subdivision, if reviewed as a mobile home park:

- conforms with all applicable provisions of the Bucksport Town Code and the town's adopted comprehensive plan.

SECTION 10 PERFORMANCE GUARANTEES

- 10.1** Performance guarantees must be given by the applicant for all improvements and inspections required to meet the standards of these regulations, including the construction of the streets, sidewalks, landscaping, stormwater management facilities, public sewage collection or disposal facilities, public water systems, other utilities, and erosion and sedimentation control measures.
- 10.2** Before the planning board may grant final approval of a subdivision application, the applicant must provide one of the following performance guarantees:
- A performance bond payable to the municipality issued by a surety company, approved by the municipal officers or town manager, or
 - An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the municipality may draw if construction is inadequate. The letter of credit must be approved by the municipal officers or town manager.
- 10.3** The conditions and amount of the performance guarantee must be determined by the board with the advice of the municipal engineer, road commissioner, municipal officers, or municipal attorney. The amount must be adequate to cover the total construction costs of all required improvements, as specified in Section 10.1, taking into account the time-span of the construction schedule and the inflation rate for construction costs.
- 10.4** The performance guarantee must contain a construction schedule, cost estimates for each major phase of construction (factored for inflation), provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality will have access to the funds to finish construction.
- 10.5** A performance bond must detail the conditions of the bond, the method for release of the bond or portions of the bond and the procedures for collection by the municipality. The bond documents must specifically reference the subdivision for which approval is sought.
- 10.6** An irrevocable letter of credit from a bank or other lending institution must indicate that funds have been set aside for the construction of the subdivision and that they may not be used for any other project or loan.
- 10.7** The board may provide for the applicant to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement must provide for approval of the final plat on the condition that no more than four lots may be sold or built upon until it is certified by the board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities.
- 10.7.1** Notice of the agreement and any conditions must be on the final plat recorded at the Registry of Deeds. Release from the agreement must follow the procedures for release of performance guarantees contained in Section 10.9.
- 10.8** The board may approve plans to develop a subdivision of more than 4 lots in separate and distinct phases by limiting final approval to those lots within the section of the proposed subdivision street covered by a performance guarantee. When development is phased, road construction must commence from an existing public way, public easement or private way. Final approval of lots in subsequent phases may be given only upon satisfactory completion of all requirements pertaining to previous phases.

- 10.9** Prior to the release of any part of the performance guarantee, the board must determine that the improvements subject to the guarantee meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested. The board's determination must be based on the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments that may be involved.

SECTION 11 INSPECTIONS

- 11.1** At least 5 days prior to commencing construction of required improvements, the applicant must notify the code enforcement officer of the time when he proposes to commence construction of required improvements so arrangements may be made for inspections by a qualified inspector. The purpose of the inspections is to assure the satisfactory completion of improvements and utilities as required by the planning board. The inspector shall be selected by the town council. Any fees incurred for inspections are the responsibility of the applicant. A deposit equal to the estimated cost of inspections must be made to the town prior to the start of construction.
- 11.2** If it is demonstrated to the satisfaction of the appointed inspector at any time before or during the construction of the required improvements that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the appointed inspector may authorize modifications. These modifications must be within the spirit and intent of the planning board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the board. The appointed inspector must issue any authorization under this section in writing and transmit a copy of such authorization to the planning board at its next regular meeting.

SECTION 12 ENFORCEMENT

- 12.1** The attorney general, planning board or the municipal officers may institute proceedings to enjoin a violation of this ordinance or 30-A M.R.S.A. §4401 et seq.
- 12.2** No land may be sold, leased, developed, built upon or conveyed for consideration or offered for sale, lease, development, building upon or conveying for consideration in any subdivision that:
- has not been approved by the planning board,
 - has been approved by the planning board but not been recorded in the Hancock County Registry of Deeds as required, or
 - does not comply with all the applicable requirements of this ordinance.
- 12.2.1** Development includes grading or construction of roads, grading of land or lots and construction of buildings.
- 12.2.2** A contract for sale of a lot in a subdivision under review shall not be considered a violation of Section 12.2, provided the contract contains a provision that the sale is contingent upon subdivision approval.
- 12.3** No plat of a subdivision of land within the municipal boundaries that is subject to planning board approval may be filed or recorded in the Hancock County Registry of Deeds until such plat has been approved by the planning board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in this ordinance.
- 12.4** No revision or amendment subject to planning board approval in accordance with Section 13 may be made to any previously approved plat until the planning board approves the revision or amendment.
- 12.5** Any person, firm, corporation or other legal entity who sells, leases, develops, builds upon or conveys for consideration any land in a subdivision that has not been

approved as required by this ordinance must be penalized in accordance with 30-A M.R.S.A. §4452.

- 12.6** No public utility, water district, sanitary district or utility company of any kind may install services to any lot in a subdivision unless the subdivision is approved as required by this ordinance.
- 12.7** The code enforcement officer may not issue a permit for a building or use within a subdivision unless the subdivision is approved as required by this ordinance.
- 12.8** Any person who, after receiving subdivision approval from the planning board, constructs or develops a subdivision or transfers any lot in a manner other than as depicted on the approved subdivision plat must be penalized in accordance with 30-A M.R.S.A. §4452.
- 12.9** No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one corner of the lot to be sold or conveyed. A permanent marker may be a monument of stone or concrete, an iron pin, or a drill hole in ledge.

SECTION 13 AMENDMENTS AND REVISIONS

- 13.1** This section applies to proposed amendments or revisions to any subdivision approved by the planning board on or after September 23, 1971.
- 13.2** An amendment is a correction or change to a subdivision plat including, but not limited to, the relocation of a boundary line between lots, or the single division of a lot.
- 13.3** The planning board shall review any proposed amendment of an approved subdivision in accordance with the procedures described in this section.
- 13.4** A revision is a redesign of the overall form or scheme of a subdivision or the addition of 2 or more lots to a subdivision within a 5 year period.
- 13.5** The planning board shall review any proposed revision of an approved subdivision in accordance with the application review procedures for new subdivisions.
- 13.6** Any proposed revision to an approved subdivision must be agreed to in writing by all lot owners in the subdivision before the planning board may issue approval. The applicant may seek relief from the board of appeals in the event that compliance with this requirement is not possible. The creation of lots abutting the approved subdivision does not require written approval of lots owners within the subdivision.
- 13.7** An amendment application must be received in the code enforcement office no less than 2 weeks before the application is submitted to the planning board. Within one week of receipt of the application, the CEO must mail a notice to all owners of lots in the subdivision. Notice must also be sent to any public water supplier if the subdivision is within its source water protection area. The notice must include a description of the proposed amendment and the date and time the application will be submitted to the planning board.
- 13.8** The applicant must submit 8 paper copies of the proposed amended subdivision plat to the planning board. The plat must indicate that it is an amendment of a previously approved plat and must show the title of the subdivision. The amended plat must reference the file and plan number of the original plat as recorded at the Hancock County Registry of Deeds.
- 13.9** The planning board may conduct a site inspection if necessary to assist with review of the application. Notice of the site inspection must be provided to the public in accordance with 1 M.R.S.A. §406.
- 13.10** The planning board must determine if the application is complete. The board may require any additional information it deems appropriate to assist in review of the Section 8 development standards that are relevant to the proposed amendment before finding the application to be complete.

- 13.11** The planning board may require a public hearing. Notice of the hearing must be given in accordance with the requirements of Section 6.6.
- 13.12** Any proposed amendment must be reviewed for compliance with the applicable development standards of Section 8 and the applicable criteria of Section 9.
- 13.13** Within 30 days of a public hearing or, if no hearing is held, within 60 days of determining it has a complete application, the planning board shall complete its review and issue an order to approve, approve with conditions, or deny the application.
- 13.14** The planning board shall make written findings of fact establishing that the proposed application does or does not meet the applicable criteria of Section 9.
- 13.15** Upon approval of an amended subdivision plat, the applicant must submit a polyester film copy and 2 paper copies for planning board signatures and registry recording in accordance with the requirements of Section 6.11.

SECTION 14 WAIVERS AND APPEALS

Waivers

- 14.1** The planning board may grant waivers from the requirements of this ordinance if:
- no waiver has the effect of nullifying the intent and purpose of the comprehensive plan and this ordinance;
 - extraordinary and unnecessary hardships may result from strict compliance with this ordinance or there are special circumstances of a particular plan;
 - the development and criteria standards have been or will be met by the propose subdivision; and
 - the health, safety and welfare of the public are protected.
- 14.2** The planning board may not grant waivers for the following requirements:
- Surveys.
 - Minimum depth and width of pavement and gravel required for street construction and minimum right-of-way dimensions of streets, except as may be required to allow for flexibility of street design in clustered developments.
 - Minimum lot area and minimum frontage requirements for any non-clustered development. These requirements may only be changed with a variance granted by the board of appeals.
 - The reserved land requirements for subdivisions of more than 4 lots as described in Section 8.14, unless the subdivision applicant deposits a cash payment in a trust fund established for the town to acquire nearby land to be preserved for parks, playgrounds or other recreational uses. The payment amount may not be more than 10% of the total appraised value of the subdivision lots, including required improvements.
- 14.3** The planning board shall set conditions to any granted waiver as necessary to protect the purposes of this ordinance.
- 14.4** All waivers are revocable up to the date of final approval. The approved subdivision plat must include a description of any granted waiver or variance and its date of approval.

Appeals

- 14.5** An appeal from any decision of the planning board made in accordance with the requirements of this ordinance may be taken to Superior Court within 45 days of the date of the decision to be appealed.

SECTION 15 DEFINITIONS

In general, words and terms used in this ordinance have their customary dictionary meanings. Certain words and terms used in this ordinance are defined as follows:

ABUTTER: The owner of any property that shares a boundary line with the parcel subject to subdivision approval.

AMENDMENT: A correction or change to a subdivision plat or document including, but not limited to, the relocation of a boundary line between lots or the division of a lot into 2 new lots.

APPLICANT: The person applying for subdivision approval under these regulations.

BLOCK: A lot or groups of lots bounded on sides by lot lines, streets, town lines or other rights-of-way.

BOARD: The Town of Bucksport Planning Board.

BUFFER: A part of a property or an entire property that is not built upon and is specifically intended to minimize the effects of a land use activity on adjacent properties.

CLUSTERED

SUBDIVISION: A subdivision in which lot sizes are reduced below the minimum size normally required in the zoning district in which the development is located in return for the provision of permanent open space.

COMPLETE

APPLICATION: An application determined by the planning board to include the required fee and all information required by these regulations, except as may be waived.

COMPREHENSIVE

PLAN: A document or interrelated documents containing an inventory and analysis of existing conditions in a community, a compilation of goals for the development of the community, an expression of policies for achieving these goals and a strategy for implementation of the policies.

The Town of Bucksport current adopted comprehensive plan, prepared in accordance with 30-A, M.R.S.A. §4321 et seq.

CONSERVATION

EASEMENT: A nonpossessory interest in real property imposing limitations or affirmative obligations to retain and protect land areas for agricultural, forestry, recreational, scenic, cultural or open space use and to protect natural resources.

DIRECT

WATERSHED: The land area that drains natural or man-made drainage systems or waterbodies or wetlands via overland flow to a given waterbody or wetland without first passing through an upstream waterbody classified as GPA.

DRIVEWAY: A vehicular accessway serving two dwelling units or less.

DWELLING UNIT: A structure or part of a structure intended for seasonal or year-round human habitation.

EASEMENT: Written authorization granted by a property owner for the use of a designated portion of his property by another for a specific purpose.

FORESTED

WETLAND: A freshwater wetland dominated by woody vegetation that is 6 meters tall or taller.

FRESHWATER

WETLAND: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

- of ten or more contiguous acres or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state the combined surface area is in excess of 10 acres, and
- inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support a prevalence of wetland vegetation typically adapted for life in saturated soils and, which under normal circumstances, do support such vegetation.

- Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has surface area in excess of 30 acres except, for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

LEGISLATIVE

BODY: The Bucksport Town Council.

LIQUIDATION

HARVEST: The purchase or other acquisition of forest land followed by a timber harvest that does not comply with the harvesting standards of the Maine Forest Service, and the subsequent sale, offer for sale, or other conveyance of the harvested land, or any portion of it, within 5 years of the purchase.

LOT: An area, plot, or parcel of land with ascertainable boundaries established by deed or instrument of record.

MUNICIPALITY: Town of Bucksport.

NEW

STRUCTURE: Any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this ordinance.

OFFICIAL MAP: The zoning map adopted by the municipality showing the town boundaries, the location of zoning districts, parcels of land, and public and private streets.

OPEN SPACE: Land within or related to a subdivision which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements typically used for maintenance and operation of the open space.

PERMANENT

MONUMENT: A granite monument, concrete monument, an iron pin or a drill hole in ledge.

PERSON: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

PERSON

RELATED TO

THE DONOR: A spouse, parent, grandparent, brother, sister, child or grandchild related to the donor by blood, marriage or adoption.

PLANNING

BOARD: The Town of Bucksport Planning Board established pursuant to Chapter 4 "Boards, Commissions and Special Offices," Article 5 of the Bucksport Town Code.

PRINCIPAL

STRUCTURE: Any building or structure in which the primary use of the premises takes place.

PROFESSIONAL

ENGINEER: A professional engineer, registered in the State of Maine.

PROFESSIONAL

LAND

SURVEYOR: A professional land surveyor, registered in the State of Maine.

REVISION: A redesign of the overall form or scheme of a subdivision or the addition of 2 or more lots to a subdivision within a 5 year period.

STREET: Includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-ways.

SUBDIVISION:

1. The division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971, whether the division is accomplished by sale, lease, development, buildings or otherwise.
2. The division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period.
3. The construction or placement of 3 or more dwelling units on a single tract or parcel of land.
4. The division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

SUBDIVISION

APPLICATION: A plat or plan prepared in recordable form and any supplemental documents submitted in accordance with the application requirements of the ordinance.

**TRACT OR
PARCEL**

OF LAND: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

SECTION 16 ABROGATION

- 16.1** This ordinance repeals and replaces the current Appendix C, Subdivision Ordinance, which was originally adopted on March 9, 1978, and last amended on December 11, 1997, when it was repealed and replaced.
- 16.2** Upon the effective date of this ordinance, lot frontage requirements are not in effect in Appendix K. Until frontage requirements become effective in Appendix K, the minimum frontage for a subdivision lot shall be 200 feet on a street, except as may be reduced by

the planning board for a clustered development. Any other reduction in frontage requirements may only be granted by the board of appeals.