



FOR OFFICE USE ONLY

Applicant_____

Date Received _____

Proposal_____

CEO Designation: ____Minor ____Major

Date determined: _____

TOWN OF BOOTHBAY, MAINE SUBDIVISION APPLICATION

SECTION I — TO BE COMPLETED BY ALL APPLICANTS

1. Street Location/Address of the Property:_____

Tax Map #_____ Lot #_____

This property lies in the following zoning districts and overlays (Check all that apply)

<input type="checkbox"/> Residential	<input type="checkbox"/> Boothbay Village Mixed-Use	<input type="checkbox"/> Commercial Corridor	<input type="checkbox"/> Water Reservoirs Protection -Route-27
<input type="checkbox"/> Coastal Residential	<input type="checkbox"/> East Boothbay Village	<input type="checkbox"/> Manufacturing/Business	<input type="checkbox"/> Well Head Protection
<input type="checkbox"/> Boothbay Village Center	<input type="checkbox"/> Scenic Gateway	<input type="checkbox"/> Maritime Commercial	<input type="checkbox"/> Watershed Protection Overlay
<input type="checkbox"/> Boothbay Village Fringe	<input type="checkbox"/> Rural Mixed Use	<input type="checkbox"/> Water Reservoirs Protection	<input type="checkbox"/> Bigelow Laboratory Contract Zone

2. Total acreage in lot_____ No. of acres to be subdivided_____ No. of lots_____

If lot is part of existing subdivision, Name of subdivider:_____

Date of recording at Reg. of Deeds:_____ Plan Book #_____ Page #_____

No. of lots previously approved in subdivision:_____

3. Landowner(s) Name:_____

Authorized Representative:_____

Mailing Address:_____

Work phone_____ Home Phone_____ Cell Phone_____

Fax Number_____ Email Address:_____

4. Applicant (if not Owner)_____

Mailing Address:_____

Work phone_____ Home Phone_____ Cell Phone_____

Fax Number_____ Email Address:_____

5. Right, Title, or Interest in the property - Owner's Registered Deed: Book #_____ Page #_____

Contract to purchase or option to lease: Date _____

6. Interest of applicant in any abutting property:

Tax Map #_____ Lot #_____ Interest:_____

7. Is any portion of the property part of Registered Farmland, Open Space and/or in Tree Growth?_____

8. Professional Engineer: _____ License # _____
Mailing Address: _____
Work phone _____ Home Phone _____ Cell Phone _____
Fax Number _____ Email Address: _____
9. Land Surveyor: _____ License # _____
Mailing Address: _____
Work phone _____ Home Phone _____ Cell Phone _____
Fax Number _____ Email Address: _____
10. Planner: _____ License # _____
Mailing Address: _____
Work phone _____ Home Phone _____ Cell Phone _____
Fax Number _____ Email Address: _____
11. Other Professional: _____ License # _____
Mailing Address: _____
Work phone _____ Home Phone _____ Cell Phone _____
Fax Number _____ Email Address: _____
(ATTACH additional sheets if necessary.)
12. Contractor (if different from applicant) who will construct the roads and other infrastructures:

Mailing Address: _____
Work phone _____ Home Phone _____ Cell Phone _____
Fax Number _____ Email Address: _____

SECTION II – SIGNATURE

In order for the Planning Board to approve this application, the Zoning Ordinance requires the Planning Board to find that the requirements of the Zoning Ordinance have been complied with and the proposal is consistent with the goals and objectives for land use in Boothbay as stated in the Zoning Ordinance. The applicant has the responsibility of proving the proposed subdivision is in conformity with the purposes and provisions of the Zoning Ordinance.

The applicant and owner affirm that they are willing and able, in the event of approval, to undertake and complete all activities in accordance with the approved application and in conformance with all regulations of the Town of Boothbay and in accordance with all conditions for approval required by the Planning Board. In addition, the applicant and owner affirm that they will not make changes to the approved subdivision unless approval is obtained from the Planning Board or Code Enforcement Officer in accordance with Section 5.6.4.10 on page 75-76 of the Zoning Ordinance of the Town of Boothbay, Maine.

The undersigned consent to this application and agree to abide by all terms and conditions set forth in this application or required by the Planning Board. A letter authorizing the applicant to represent and/or develop the subdivision from the owner, if different from the owner, is attached.

Signed:

Owner Date: _____

Owner Date: _____

Date: _____

Applicant

SECTION III - GENERAL REQUIREMENTS & REVIEW CRITERIA

This application is for proposals requiring Planning Board approval to subdivide land. This application and all accompanying submissions must be completed in accordance with the requirements of the Zoning Ordinance of the Town of Boothbay. Copies of the Zoning Ordinance are available for use or purchase at the Town Office and on the Town's web site. The original signed copy of page 2 of this form must be accompanied by the required application fee and proof that all accounts with the Town are current as required in item 1 of Section IV of this form. Responses to the other applicable information requests in Section IV are required for the application to be complete and may be provided in writing, by sketch, plan or drawing, or in person, or by a designated representative, in a public hearing. Eight copies of pages 1 and 2 of this form and the other information required to be on paper must be submitted before the application can be considered.

The Boothbay Planning Board normally meets to hear new applications the third Wednesday of each month. Applications must be submitted to the Code Enforcement Officer a minimum of 3 weeks before a Planning Board meeting. The applicant and/or a representative must be present for the Planning Board to consider an application. Failure to appear for two consecutive meetings may result in Planning Board denial of the application. The Planning Board will normally only determine during the first meeting if the application is sufficiently complete or if additional information will be required. If appropriate, an on-site visit may be scheduled at this meeting. The Planning Board may require the submission of additional information at any time while it is considering an application. All plans and written material requested after the initial submission must be submitted to the Code Enforcement Officer no later than 4:00 PM of the Thursday before a Planning Board meeting for it to be considered at the meeting.

The Planning Board shall consider the following criteria and, before granting approval, must determine that the application is in conformance with all land use standards of Zoning Ordinance and that the proposed subdivision will protect and preserve the general welfare, and:

1. **Adjoining Municipality.** For any proposed subdivision that abuts or is in Boothbay Harbor or Edgecomb, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in Boothbay Harbor or Edgecomb;
2. **Aesthetic, Cultural and Natural Values.** 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 Town of Boothbay, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
3. **Conformity with Local Ordinances and Plans.** The proposed subdivision conforms to this Ordinance and the Comprehensive Plan. In making this determination, the Planning Board may interpret the Zoning Ordinance and Comprehensive Plan;
4. **Erosion** The proposed subdivision will not cause soil erosion that cannot be controlled using Best Management Practices or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
5. **Financial and Technical Capacity.** The subdivider has adequate financial and technical capacity to meet the standards of the Zoning Ordinance;
6. **Flood Areas.** If based on the Federal Emergency Management Agency's National Flood Insurance Rate Maps and information presented by the applicant, the Planning Board determines the subdivision, or any part of it, is in a flood-prone area, the subdivider has determined the 100 year flood elevation and flood hazard boundaries within the subdivision and has included a condition of plan approval requiring that structures in the subdivision will be constructed with their lowest floor, including the basement or opening, at least one 1 foot above the 100 year flood elevation;
7. **Ground Water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
8. **Historical Preservation.** The proposed subdivision is consistent with the Maine Historic Preservation Commission comments if the proposed subdivision is in the Shoreland Overlay Zone and is on or adjacent to any archaeological site listed on, or eligible to be listed on, the National Register of Historic Places;
9. **Large Scale Development.** The division of large parcels of land shall be in accordance with the State of Maine Site Location of Development requirements of 38 M.R.S.A. §§ 481-490;
10. **Maritime Activities.** Will not adversely affect existing commercial fishing or maritime activities in the Maritime Commercial District;
11. **Municipal Services.** All impacts on municipal facilities and services have been identified and specific plans for mitigation without cost to the service providers are satisfactory to them;
12. **Partial Subdivision.** If the proposal is to develop only a portion of a parcel:

- A. The final plan satisfies the provisions of Section 5.6.5.6 of the Zoning Ordinance and Requirement 10 of Section VI of this Application Form in regards to the identification of all areas where development is prohibited for the entire parcel. If the developer imposes permanent restrictions running with the land that prohibit or severely restrict development of a portion of the parcel as separate lots, and these restrictions are recorded at the Lincoln County Registry of Deeds, the provisions of are not required for lots so restricted;
- B. The final plan satisfies the provisions of Section 8.3.7 of the Zoning Ordinance and Requirement 13 of Section VI of this Application Form in regards to sanitation for all lots shown on the plat;
- 13. Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
- 14. Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the floodplains;
 - B. The nature of soils and sub soils and their ability to adequately support subsurface wastewater disposal;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; andThe applicable state and local health and water resource rules and regulations;
- 15. Safety and Health.** Safe and healthful conditions will be maintained;
- 16. Sanitation** The proposed subdivision will provide for adequate wastewater disposal and will not cause an unreasonable burden on municipal facilities and services if they are utilized;
- 17. Spaghetti-lots.** If any lots in the proposed subdivision have shore frontage on a stream, outlet stream, tributary stream, great pond or coastal wetland, none of the Lots shall have a lot depth to shore frontage ratio greater than 5 to 1.
- 18. Streams.** Any stream, outlet stream or tributary stream within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. Stream, outlet stream or tributary stream does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale;
- 19. Storm Water.** The proposed subdivision will provide for adequate storm water management;
- 20. Sufficient Water** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
- 21. Surface Waters.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland or great pond, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;
- 22. Traffic.** 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. If the proposed subdivision requires driveways or entrances onto a state or state aid highway, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to 23 M.R.S.A. § 704 and any rules adopted under that section; and
- 23. Wetlands.** All wetlands within the proposed subdivision have been identified on the Nat Plan, regardless of the size of these wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district.

SECTION IV – REQUIRED INFORMATION

Applications must include as a minimum all of the following information that may be reasonably required in order that the Planning Board may make an informed determination pursuant this Ordinance.

Where appropriate, the name, registration number, and seal of the professional land surveyor and/or engineer responsible for preparing the document is required on the document.

- 1. Certificate or receipt from the Town that **(One copy attached to the original signed copy of the application.):**
 - A. Real and personal property taxes plus any other accounts of the applicant payable to the Town have been paid in full;
 - B. Real and personal property taxes for the property described in Section I number 1 above have been paid in full;
 - C. Application fees have been paid; and
 - D. There is no outstanding notice of violation issued by the Code Enforcement Officer to the applicant that (i) has not been appealed to the Board of Appeals within the required time period, (ii) is pending before the Board of Appeals

or a reviewing court, or (iii) the decision of the Board of Appeals or a reviewing court has not been fully complied with.

2. Copy of Secretary of State's Registration if corporation.
3. Copy of most recent deed showing ownership and, if applicable, contract to purchase or option to lease.
4. Copy of any variation from an Ordinance standard previously granted by the Planning Board, the Board of Appeals or Superior Court, or State or Federal agency or department.
5. Copy of any deed granting easements on or beneficial to lot.
6. A location map showing the relation of the lot to adjacent properties and to the general surrounding area. The location map shall show all the area within 2,000 feet of the property lines and at least one Town road.
7. A survey map of the tract to be subdivided, certified by a Registered Land Surveyor. The map shall include pre and post development contour lines at an interval of not more than 10 feet in elevation, unless otherwise specified by the Planning Board, referred to U.S. Coastal and Geodetic Survey benchmarks if such exist within 500 feet of the subdivision;
8. A sketch, plat plan or drawing showing the existing and proposed conditions of the lot to include, but not limited to: topography, vegetation, natural drainage ways, flood plains, ponds, streams, tributary streams and wetlands. Please include lot lines; the upland edge of all drainage ways, flood plains, ponds, streams, tributary streams and wetlands; areas of naturally occurring non-vegetated or impervious surfaces; buffer areas required by the Ordinance; areas with slopes of greater than 20%; area cleared of trees and other vegetation; and areas to be filled or graded.
9. Clearing of vegetation for development. *See* Section 7.5.17.4.6. **[Shoreland Overlay Zone]**

Area in Shoreland Overlay Zone _____ square feet

Total cleared openings: Existing _____ square feet Proposed _____ square feet.

Percent coverage = Existing & Proposed Openings X 100 = _____%

[Maximum allowed is greater of 25% or 10,000 square feet of the area in Shoreland Overlay Zone]

SECTION V — ADDITIONAL INFORMATION that may be required before Planning Board can make a determination on the merits of the proposal:

- 1. Common Land or Common On-site Services** If owners are to share commonly owned land within the subdivision or share in the use and maintenance of open space, common water supply, wastewater treatment systems or roads and other ways, organization documents of the organization authorized to conduct these functions, and documents specifying owner's responsibilities and liabilities. If required by the Planning Board, a landscape plan for common open space showing the placement of trees and vegetation, graded contours, streams and tributary streams as well as the preservation of scenic, historic or environmentally significant areas.
- 2. Deed Restrictions** Copy of deed restrictions, if required, for clearing of trees, construction of wells, dug wells, homeowner covenants, lot access, sanitation, waivers of Ordinance standards, and Plat Plan reference for water supply protection buffers.
- 3. Development Restrictions** Copy of development restrictions prohibiting or severely restricting development of a portion of the parcel as separate lots.
- 4. Driveway and Entrance/Exit Permit** Copy of the driveway or entrance or traffic from the Maine Department of Transportation if required by 23 M.R.S.A. §§ 704 or 704-A.
- 5. Erosion and Sedimentation Control Plan** A site specific Erosion and Sedimentation Control Plan developed in accordance with the *Maine Erosion and Sediment Control BMPS* of the Bureau of Land and Water Quality, Maine Department of Environmental Protection.
- 6. Historical Preservation** The response from the Maine Historic Preservation Commission if any development or soil disturbance in the Shoreland Overlay Zone is proposed on or adjacent to archaeological sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Planning Board.

7. **Homeowners Association** The by-laws of the proposed homeowners association shall specify maintenance responsibilities. Covenants for mandatory membership in the homeowners association setting forth the owners' rights, interests, and privileges in the association and the common property.
8. **Land Dedication** Copies of any restrictive covenants, required deed restrictions or similar documents, and written evidence that the Town Attorney is satisfied with the legal sufficiency of those documents.
9. **Maine Site Location of Development Act** All subdivisions that require approval under the Maine Site Location of Development Act shall include such application with the submission of the subdivision application to the Town.
10. **Public Water Supply** A written statement from the servicing water company or district and the Boothbay Fire Department that adequate water for both domestic and firefighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved and that the Water District has accepted the final construction proposal for provision of public water for consumption or fire protection.
11. **Public Ways** Typical cross-sections of proposed roads, sidewalks and other public ways. Detailed construction drawings showing a plan and profile view of the proposed roads and existing roads within 300 feet of any proposed intersections.
12. **Sanitation** Evidence of soil suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
13. **Storm Water Disposal Plan** Detailed construction drawings specific to the site showing a plan view, profile, and typical cross-section of the proposed storm water management systems.
14. **Town Services** A written agreement from the Town Manager or Board of Selectmen if there are any identified impacts.
15. **Wastewater Disposal** A written statement from the servicing sewer company or district that adequate capacity can be provided without placing an undue burden on the treatment facilities or collection system involved, and that the sewer company or district has accepted the final construction proposal for provision of public wastewater disposal.
16. Any other information that may be reasonably required in order to make an informed determination pursuant to this Ordinance.

SECTION VI - FINAL PLAT PLAN

- A. The Final Plat Plan shall not be less than 8 1/2 inches by 11 inches, and shall be drawn to a scale of not greater than 1 inch equals 100 feet. The Planning Board may allow plans on a scale of 1 inch equals 200 feet for subdivisions greater than 100 acres, if all details are clearly depicted.
- B. The Final Plat Plan or a separate map shall include after development contour lines at an interval of not more than 10 feet in elevation, unless otherwise specified by the Planning Board, referred to U.S. Coastal and Geodetic Survey benchmarks if such exist within 500 feet of the subdivision.
- C. One original Mylar transparency of the final plat plan and 4 copies of each plan, map or drawing, sealed and signed by the professional under whose responsibility it was completed, shall be submitted.
- D. The Final Plat Plan shall include the following:
 1. Name of subdivision;
 2. Date, north point and graphic map scale;
 3. The name, registration number, and seal of the professional land surveyor or engineer, or both if applicable, responsible for preparing the Final Plat Plan;
 4. Location and size of existing buildings, structures and other developed areas included in the definition of Lot Coverage;
 5. The location, bearings, and length of every lot line, with all lots to be numbered;
 6. Location and size of any existing and proposed sewers and water mains, and culverts and drains;
 7. Names of property owners within 100 feet of the parcel to be subdivided;

8. The names, widths and lines of all roads. The center line of all roads shall be indicated every 50 feet from its beginning (Note: the beginning may be beyond the proposed subdivision);
9. The designation of all easements, areas reserved for or dedicated to public use, and areas reserved by the applicant;
10. The designation of all areas on each lot where development will not be allowed. This shall include, but is not limited to: ponds, streams, tributary streams, wetlands, flood plains, water supply protection and visual buffer areas, and areas with slopes that exceed that allowed for development. The specific feature shall be indicated as well as any required setback from the feature;
11. The designation of the areas on each lot in which development shall be permitted. This shall include, but is not limited to, the Buildable area as defined in Section VIII and where lot access shall be for lots with frontage on two or more streets;
12. The designation of the *areas* in which the clearing of trees shall be permitted, if different than area in which development shall be permitted;
13. The location of every soil test site for subsurface wastewater disposal. All reserved areas for future replacement of the disposal area shall be shown on the plan and restricted so as not to be built upon;
14. The location of permanent markers set, at a minimum, at all lot corners;
15. Where the subdivision roads are to remain private roads, the following words shall appear on the final plat plan:
"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be considered accepted or to be maintained by the Town."
16. If the subdivision is to be served by the Boothbay Region Water District the complete supply system layout, including fire hydrants, and a statement that all water shall be obtained from this source and that no wells shall be permitted;
17. A statement that there shall be no dug wells for potable water supply;
18. If a water quality assessment includes construction standards for drinking water wells, those standards shall be included as a note;
19. Identification of significant or unique natural resources, habitats, areas, or environments;
20. A note when Water Supply Protection Buffers are required that all deeds shall reference the copy of the plat filed with the Lincoln County Registry of Deeds;
21. The location of all fire and safety vehicle turnaround areas. If it is possible that the new road could be extended in the future, the plat shall indicate the portion(s) of the turnaround area beyond the required road right-of-way that could revert to the abutting properties and a statement to that effect;
22. Description of all variations from any Ordinance standard granted by the Planning Board, the Board of Appeals, Superior Court, or State or Federal agency or department and the date on which the variation was granted;
23. If the subdivision has frontage on state numbered highways a statement that no residential lot may have vehicular access directly onto the arterial highway;
24. All common open space required or otherwise dedicated shall be shown with an appropriate notation to indicate that it shall not be subdivided or used for other than non-commercial recreation or conservation purposes;
25. If a conditional performance guarantee agreement is approved by the Planning Board a notice of the agreement and conditions;
26. If a wastewater treatment facility is proposed to serve more than one dwelling unit, a note that joint ownership of the facility is required;
27. If any part of the subdivision is within the 100 foot flood elevation a statement requiring that all structures shall be constructed with their lowest floor, including the basement or opening, at least one foot above the 100 year flood elevation;
28. If the subdivision is exempt from Site Location of Development requirements of 38 M.R.S.A. §§ 481 — 490 because of § 488(5), that fact shall be expressly noted

29. The requirements of numbers 10 and 13 above are required for all numbered lots unless the developer imposes permanent restrictions running with the land, and included on the Final Plat Plan, that prohibit or severely restrict development of a portion of the parcel as separate lots;
30. Approval Space: Suitable space on the approved plat to record the date and conditions of approval. Every plat shall bear the following standard condition of approval: "The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. Except as otherwise provided by the Town's Zoning Ordinance, no change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board." This space shall be similar to the following example:

Approved by Town of Boothbay, Maine Planning Board	
Signed:	_____ Chairman
	_____ Vice-Chairman

Date:	_____
Conditions:	_____

E. The following items may be required by the Planning Board to be included on a Final Plat Plan:

1. Roads: Lengths of all straight lines, the deflection of angles, radii, length of curves, central angles of all curves, and tangent distances and bearings; and
2. Utilities: The size, type and location of street lights, electric and gas lines, telephone, and other utilities.

SECTION VII CONSULTATION FEE AND PERFORMANCE GUARANTEE

The Planning Board reserves the right to require the applicant to provide a consulting cost fee or a performance guarantee as required as required by the Zoning Ordinance.

SECTION VIII - Definition. A complete set of definitions is in Section 2 of the Zoning Ordinance.

Buildable Lot Area: The specified portion of a lot where development is allowed. In determining such area of a lot, the following shall be excluded:

- A. The area included in the required setbacks;
- B. The area within coastal wetlands;
- C. Land that is situated below the high-water line of any great pond, stream, outlet stream or freshwater wetland;
- D. Areas with a sustained slope of greater than 15% over a contiguous area of more than one thousand (1,000) square feet;

- E. Land that is part of a right-of-way, or easement, including utility easements; and
- F. Land that is located within a Special Flood Hazard Area as depicted on the current version of the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency unless the applicant shows proof through the submittal of materials prepared by a Registered Land Surveyor that show that the property in question lies at least two feet above the base flood elevation shown on the FIRM. The elevation of filled or manmade land shall not be considered.