

## **Preliminary Plan Submission Requirements for a Major Subdivision**

### **The preliminary plan application for a major subdivision shall consist of the following items:**

1. A fully executed and signed copy of the application for preliminary major subdivision review (provided by the Town).
2. A location map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Planning Board to locate the subdivision within the Town. The location map shall show:
  - a. Existing subdivisions in the proximity of the proposed subdivision.
  - b. Locations and names of existing and proposed streets.
  - c. Boundaries and designations of zoning districts.
  - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
  - e. The required application and development review fees.
  - f. A list of abutters and the owners of any other parcel entitled to receive public notice together with their mailing addresses.
  - g. The preliminary subdivision plan and supporting documentation consisting of four (4) paper copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch and ten (10) copies of supporting documentation bound in a single report. Plans shall be no larger than 24" by 36" in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. In addition, ten (10) copies of the plan(s) reduced to a size of 11" by 17" shall be provided.
  - h. The preliminary plan and supporting documentation shall include at least the following information. The Planning Board may require additional information to be submitted where it finds necessary in order to determine whether the criteria of 30-A M.R.S. § 4404 are met.
  - i. Proposed name of the subdivision and the name of the Town in which it is located, plus the Assessor's map and lot numbers.
  - j. The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan and adjoining property owners.
  - k. The date the plan was prepared, north point, and graphic map scale.
  - l. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
  - m. Evidence of right, title or interest in the property.
  - n. A copy of the most recently recorded deed for the parcel and a copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
  - o. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
  - p. A standard boundary survey of the parcel meeting the standards of Chapter 90 Standards of Practice of the rules of the Maine Board of Licensure for Professional Land Surveyors, giving complete

descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

- q. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
  - r. A Class D medium-intensity soil survey unless the Planning Board determines that a Class B high-intensity survey is needed as a result of the Site Inventory and Analysis.
  - s. The location of all rivers, streams and brooks, coastal and freshwater wetlands, vernal pools and farmland within or adjacent to the proposed subdivision.
  - t. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation, as depicted on the Town's Flood Insurance Rate Map, shall be delineated on the plan.
  - u. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
  - v. Contour lines at the interval specified by the Code Enforcement Officer, showing elevations in relation to mean sea level.
  - w. The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.
  - x. The location, names, and present widths of existing roads, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
  - y. The location and width of all proposed streets, including a typical cross section of the streets and sidewalks and a preliminary center-line profile.
  - z. The proposed lot lines with approximate dimensions and lot areas.
- 3. An indication of the type of sewage disposal to be used in the subdivision.
  - 4. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Boothbay Harbor Sewer District stating that the District has the capacity to collect and treat the wastewater shall be provided.
  - 5. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator or certified soil scientist, shall be provided. Test pit logs for all test pits shall be provided. The location of all test pits dug on the site shall be shown on the subdivision plan or on a map at the same scale as the subdivision plan.
  - 6. An indication of the type of water supply system(s) to be used in the subdivision.
  - 7. When water is to be supplied by public water supply, a written statement from the Boothbay Region Water District shall be submitted indicating that there is sufficient capacity for the subdivision and that the District approves the plans for extensions where necessary. Where the District's supply line is to be extended, a written statement from the Fire Chief stating approval of the location of fire hydrants, if any, and a written statement from the District approving the design of the extension shall be submitted.
  - 8. When water is to be supplied by private wells, evidence of adequate groundwater supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

9. Provisions for the collection and management of stormwater in the form of a preliminary drainage plan.
10. The width and location of any streets, public improvements or open space shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
11. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
12. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

**The Planning Board may require additional information, including, but not limited to the following, to be submitted where it finds it necessary in order to determine whether the preliminary plan is likely to result in a final plan that meets the criteria of 30-A M.R.S. § 4404:**

1. A Class B high-intensity soil survey prepared by a certified soil scientist if the Site Inventory and Analysis identified the need for more detailed soils information. This soils survey may be for only a portion of the site.
2. A hydrogeologic assessment prepared by a certified geologist or registered professional engineer experienced in hydrogeology.

**The Planning Board may require a hydrogeologic assessment when the subdivision is not served by public sewer and:**

1. Any part of the subdivision is located over a mapped sand and gravel aquifer;
2. The subdivision has an average density of more than one dwelling unit per one hundred thousand (100,000) square feet; or
3. In other cases where site considerations or development design indicates greater potential of adverse impacts on groundwater quality, such as extensive areas of shallow to bedrock soils, open space developments in which the average density is less than one dwelling unit per one hundred thousand (100,000) square feet but the density of the developed portion is in excess of one dwelling unit per eighty thousand (80,000) square feet, or the use of shared or common subsurface wastewater disposal systems.
4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
5. A traffic impact analysis. The Planning Board may require an analysis for projects involving forty (40) or more parking spaces or projected to generate more than four hundred (400) vehicle trips per day based upon the ITE Trip Generation Manual. The traffic impact analysis shall be prepared by a registered professional engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peak hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

### **Final Plan Submission Requirements for a Major Subdivision**

1. Within twelve (12) months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan. If the application for the final plan is not submitted within twelve (12) months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board. If an applicant cannot submit the final plan within twelve (12) months, the applicant may request an extension. Such a request for an extension to the filing deadline shall be submitted, in writing, to the Code Enforcement Officer prior to the expiration of the filing period. In considering the request for an extension, the Planning Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies and that municipal ordinances or regulations which may impact on the proposed development have not been amended.
2. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable, and submitted with the application:
3. Maine Department of Environmental Protection, under the Site Location of Development Act.
4. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a stormwater management permit or a wastewater discharge license is needed.
5. Maine Department of Human Services, if the applicant proposes to provide a public or community water system.
6. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
7. United States Army Corps of Engineers, if a permit under § 404 of the Clean Water Act is required.
8. The final plan application shall consist of the following items:
9. A fully executed and signed copy of the application for final major subdivision review (form provided by the Town).
10. The required application and development review fees.
11. A performance guarantee in accordance assuring the construction of all street, utilities, and other improvements proposed as part of the final subdivision plan.
12. The final subdivision plan and supporting documentation consisting of four (4) paper copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch and ten (10) copies of supporting documentation bound in a single report. Plans shall be no larger than 24" by 36" in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Planning Board. In addition, ten (10) copies of the plan(s) reduced to a size of 11" by 17" shall be provided.
13. The final subdivision plan and supporting documentation shall include at least the following information:
14. map and lot numbers.
15. The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan.
16. The date the plan was prepared, North point, and graphic map scale.
17. The location of any zoning boundaries affecting the subdivision.

18. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
19. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
20. The boundaries of any flood hazard areas and the one-hundred-year flood elevation as depicted on the Town's Flood Insurance Rate Map shall be delineated on the plan.
21. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewerage system, a written statement from the Boothbay Harbor Sewer District shall be submitted indicating that the District has reviewed and approved the sewerage design.
22. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by the Boothbay Region Water District, a written statement from the District shall be submitted indicating that the District has reviewed and approved the water system design together with a written statement from the Fire Chief approving all hydrant locations or other fire protection measures deemed necessary.
23. The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.
24. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a registered land surveyor. The original reproducible plan shall be embossed and printed with the seal of the registered land surveyor and be signed by that individual.
25. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Town of all public ways and open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the Town, written evidence that the Board of Selectmen is satisfied with the legal sufficiency of the written offer to convey title shall be included.
26. Road plans meeting the requirements of the Town.
27. A stormwater management plan prepared by a registered professional engineer in accordance with "Maine Stormwater Best Management Practices Manual" published by the Maine Department of Environmental Protection, March 2016 (or later edition) and the stormwater management performance standards of Section 9.3. The Planning Board may not waive submission of the stormwater management plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces, such as roofs and driveways, is less than 5% of the area of the subdivision.
28. An erosion and sedimentation control plan prepared in accordance with "Maine Erosion and Sedimentation Control Best Management Practices" published the Maine Department of Environmental Protection, October 2016 (or later edition), and the erosion and sedimentation control performance standards of Section 9.4. The Planning Board may not waive submission of the erosion and sedimentation control plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

29. If the subdivision requires a stormwater permit from the Maine Department of Environmental Protection, a copy of the DEP application with all supporting materials and the permit shall be provided.
30. The width and location of any streets or public improvements or open space shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
31. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots and evidence that the applicant has financial commitments or resources to cover these costs.
32. The location and method of disposal for land clearing and construction debris.
33. The location of all freshwater wetlands and farmland on the parcel.

### **Statutory Review Criteria**

- State law establishes the criteria that the Planning Board must use in reviewing and approving subdivisions. When reviewing any application for either a minor or major subdivision, the Planning Board must find that the criteria as found in 30-A M.R.S. § 4404 have been met. The State law sets out the following criteria as of 2020 but the Planning Board shall use the current state requirements as they may be amended from time to time even if the revised criteria have not been incorporated into the Town ordinance. In addition to these state criteria, the Planning Board must find that the subdivision will conform to the applicable provisions of Section 8 (General Performance Standards), Section 9 (Environmental Performance Standards), and Section 10 (Good Neighbor Performance Standards).

### **Before granting approval of a subdivision, the Planning Board must find that the proposed project:**

1. Pollution will not result in undue water or air pollution. In making this determination, it shall at least consider:
2. The elevation of the land above sea level and its relation to the flood plains;
3. The nature of soils and subsoils and their ability to adequately support waste disposal;
4. The slope of the land and its effect on effluents;
5. The availability of streams for disposal of effluents; and
6. The applicable State and local health and water resources rules and regulations;
7. Sufficient Water Has sufficient water available for the reasonably foreseeable needs of the subdivision;
8. Municipal Water Supply Will not cause an unreasonable burden on an existing water supply, if one is to be used;
9. Erosion Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
10. Traffic 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 and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area of an urban compact municipality as defined by 23 M.R.S. § 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to 23 M.R.S. § 704 and any rules adopted under that section;
11. Sewage Disposal Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

12. Municipal Solid Waste Disposal Will not cause an unreasonable burden on the Town's ability to dispose of solid waste if municipal services are to be utilized;
13. Aesthetic, Cultural and Natural Values 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, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
14. Conformity With Local Ordinances and Plans Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;
15. Financial and Technical Capacity The subdivider has adequate financial and technical capacity to meet the standards of this section;
16. Surface Waters; Outstanding River Segments Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 M.R.S. Chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
17. Ground Water Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
18. Flood Areas Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
19. Freshwater Wetlands All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
20. Farmland All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;
21. River, Stream or Brook Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. § 480-B (9);
22. Storm Water The proposed subdivision will provide for adequate storm water management;
23. Spaghetti-Lots Prohibited If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in 38 M.R.S. § 480- B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
24. Lake 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;
25. Impact on Adjoining Municipality For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

26. Lands Subject to Liquidation Harvesting Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S. § 8869(14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Planning Board may accept a determination certified by a forester licensed pursuant to Title 32 M.R.S. Chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Planning Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, “liquidation harvesting” has the same meaning as in 12 M.R.S. § 8868(6), and “parcel” means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.