

## **Review Procedures for Applications for Minor Subdivision Review**

1. **Provisional Review of Application by the Code Enforcement Officer.** The Code Enforcement Officer shall review the application for completeness within ten (10) business days of receipt. The Code Enforcement Officer shall provisionally determine that the application is complete only if all of the required information for preliminary plans for a major subdivision set forth in Section 5.6.5 has been submitted or the Planning Board has approved waivers for any required information not provided as part of the Site Inventory and Analysis review. Upon the completion of the application review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the Code Enforcement Officer shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting in accordance with the established scheduling procedures for consideration by the Planning Board. The Code Enforcement Officer shall notify abutting property owners of the pending application in accordance with Section 5.3.6.5. The Code Enforcement Officer shall also hand deliver or mail written notice of the pending application to the Town Manager, Fire Chief, Superintendent of the Boothbay Region Water District, Superintendent of the Boothbay Harbor Sewer District, and other interested parties.
2. If the Code Enforcement Officer finds that the application is not complete, s/he shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the Code Enforcement Officer shall conduct another completeness review. This process shall be repeated, if necessary, until the Code Enforcement Officer finds that the application is provisionally complete.
3. **Initial Consideration by the Planning Board** At the first meeting at which the application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. The Planning Board shall also consider and act on any requests for waivers of the submission requirements. If the application is determined to be incomplete or requested waivers are not granted, the Planning Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the application shall begin when the Planning Board finds that the application is complete.
4. **On-Site Inspection** The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. The Planning Board may conduct this visit either before or after the first meeting at which the application is considered. The Planning Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the processing of the application may be suspended until the Planning Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties in accordance with the provisions of Section 5.3.6.5.
5. **Public Hearing** The Planning Board shall hold a public hearing on an application for approval of a minor subdivision. The hearing shall be noticed and advertised in accordance with the provisions of Section 5.3.6.5.
6. **Planning Board Action.** Within forty-five (45) days of determining that the application is complete, the Planning Board shall hold a public hearing on the application. The Planning Board shall take final action on said application within thirty (30) days of the public hearing. The Planning Board shall act to deny, to

approve, or to approve the application with conditions. The Planning Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

7. If any portion of subdivision is within a Special Flood Hazard Area, the Planning Board shall impose a condition of approval that structures on any lot having a portion of its land within a Special Flood Hazard Area must be constructed in accordance with the floodplain management provisions of the Town.
8. In issuing its decision, the Planning Board shall make written findings of fact establishing that the activities set forth in the application do or do not meet the standards of approval and other requirements of the Town, including any conditions of approval necessary to comply with the standards. The Planning Board shall notify the applicant of the action of the Planning Board in writing within five (5) business days of the meeting, including the findings of fact, and any conditions of approval.
9. Final Approval and Filing Upon completion of the requirements of this section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved. Subsequent to the approval by the Planning Board, the applicant shall submit two paper copies of the subdivision plan to the Code Enforcement Officer in a format acceptable to the Lincoln County Registry of Deeds, one to be recorded at the Lincoln County Registry of Deeds, the other to be filed at the municipal office. The plan shall contain any conditions of approval imposed by the Planning Board. The paper copies shall be embossed and printed with the seal of the individual responsible for preparation of the plan. The approved subdivision plan shall be signed by a majority of the members of the Planning Board and filed with the Code Enforcement Officer. In addition, a signed subdivision plan and decisions document setting forth the findings of fact, including any conditions of approval, shall be recorded by the applicant in the Lincoln County Registry of Deeds within sixty (60) days of the vote to approve the plan and evidence of such filing contemporaneously provided to the Code Enforcement Officer. Any subdivision for which a plan and decision document is not filed within sixty (60) days of the date upon which such plan is approved and signed by the Planning Board shall become null and void. Prior to the expiration of the sixty (60) day period, the Planning Board, by vote, may extend the filing period for good cause.
10. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the criteria of 30-A M.R.S. § 4404 and the standards of these regulations. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void and the Planning Board shall institute proceedings to have the plan stricken from the records of the Lincoln County Registry of Deeds.
11. Initiation of Construction Failure to initiate construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void unless the applicant has requested in writing and received an extension from the Planning Board and has provided for the continuation of any performance guarantees for the period of the extension prior to the expiration of the five-year period. Upon determining that a subdivision's approval has expired under this subsection, the Planning Board shall have a notice placed in the Lincoln County Registry of Deeds to that effect.
12. Municipal Acceptance of Land or Facilities The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, stormwater facility or other open space shown on such plan.
13. Revisions to Approved Plans.

14. **Procedure** An application for a revision to a previously approved plan shall be submitted to the Code Enforcement Officer. The Code Enforcement Officer shall review the application and determine the procedure to be used in revising the plan. Minor changes that do not alter lot lines or the essential nature of the proposal or affect the approval criteria may be approved by the Code Enforcement Officer by written endorsement of the changes on the approved plan. If the revision requires the approval of the Planning Board, the Code Enforcement Officer shall place the application on the agenda of the Planning Board in accordance with the procedures for a Minor Subdivision, unless the change qualifies as a major subdivision.
15. **Submissions** The applicant shall submit a copy of the approved plan as well as four (4) paper copies of the proposed revisions in a format acceptable to the Lincoln County Registry of Deeds together with ten (10) 11" x 17" reductions of the revised subdivision plan. The application shall also include the appropriate supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Lincoln County Registry of Deeds.
16. **Scope of Review** The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

### **Minor Subdivision Submissions**

The final plan application for approval of a minor subdivision shall consist of the following items:

1. A fully executed and signed copy of the application for minor 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 final 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 subdivision plan and supporting documentation consisting of four (4) paper copies in a format acceptable to the Lincoln County Registry of Deeds 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 twenty-four (24) by thirty-six (36) inches 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 eleven (11) by seventeen (17) inches shall be included in the bound report.
1. The subdivision plan and supporting documentation shall include at least the following information:

- a. Proposed name of the subdivision or identifying title, the name of the Town, and the Assessor's map and lot numbers.
- b. The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan and adjoining property owners.
- c. The date the plan was prepared, north point, and graphic map scale.
- d. The zoning district, including overlay districts, in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
- e. Evidence of right, title, or interest in the property.
- f. 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.
- g. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- h. 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. The plan shall indicate the type of monument found or to be set at each lot corner.
- i. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
- j. The location of all rivers, streams and brooks, coastal and freshwater wetlands, vernal pools, and farmland within or adjacent to the proposed subdivision
- k. 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.
- l. 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 critical 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.
- m. Contour lines at the interval specified by the Code Enforcement Officer showing elevations in relation to mean sea level.
- n. The location and size of existing and proposed sewers, water mains, culverts, and drainageways on or adjacent to the property to be subdivided.
- o. The location, names, and present widths of existing roads and highways and existing and proposed easements, building lines, 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. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be submitted electronically in a format compatible with the Assessor's records.
- p. An indication of the type of sewage disposal to be used in the subdivision:

- q. 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.
  - r. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator, 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.
  - s. An indication of the type of water supply system(s) to be used in the subdivision.
  - t. 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 supply and pressure 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 District approving the design of the extension shall be submitted.
  - u. 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.
  - v. The width and location of any roads, public improvements or open space shown in the Comprehensive Plan, if any, within the subdivision.
  - w. The location of any open space to be preserved and a description of proposed improvements and its management.
  - x. 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 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 applicant or lot owners are to be maintained, shall be submitted. If open space 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.
  - y. The location and method of disposal for land clearing and construction debris.
1. 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 criteria of 30-A M.R.S. § 4404 are met:
    - a. 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:
    - b. Any part of the subdivision is located over a mapped sand and gravel aquifer;
    - c. The subdivision has an average density of more than one dwelling unit per one hundred thousand (100,000) square feet;
    - d. 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.

- e. 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.
- f. 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 performance standards of Section 9.3.
- g. 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.
- h. Street plans meeting the requirements of the Town if the subdivision will involve the construction or extension of a road. The Planning Board may determine the extent of the plans needed based on the scale and type of improvement.
- i. The Planning Board may waive any of the submission requirements, including the additional submission requirements based upon a written request of the applicant. Such request must be made at the time of the initial review of the application for minor developments. A waiver of any submission requirement may be granted only if the Planning Board finds that the information is not required to determine compliance with the approval standards and criteria.