

TOWN OF WATERBORO

Land Subdivision Regulations of the Planning Board

PROPOSED REVISIONS - MAY 19, 1976

(Note: Page numbers refer to pages in the existing Regulations.)

Page 2, add "L" which will read:

- L. Will not result in an unreasonable burden upon school facilities.

Page 2, Definitions, add:

Abuttor: One whose property is contiguous to the perimeter of the tract developed or proposed for development.

Page 3, Definitions, Official Submittal Date, now reads:

Official Submittal
Date:

The time of submission of a Preapplication Plan or sketch, Preliminary Subdivision Plan or Final Subdivision shall be considered the date submitted, if at a regular meeting, or, if not at a regular meeting, the date of the next regular meeting.

Change to Read:

The date of submission of a Preapplication Plan or sketch plan, a Preliminary Subdivision Plan or a Final Subdivision Plan shall be the date of the meeting at which it is submitted. Upon receipt of a plan or any application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within thirty (30) days from the receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is not complete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

Page 3, Definitions, add:

Tract or Parcel: A tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered

each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Page 4, Definitions, Subdivision, now reads:

Subdivision:

The division of a tract or parcel of land into three or more lots within any five year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, gift to a relative or order of the court. A gift, if regarded by the Board as an intent to avoid the objectives of this regulation, will not be exempted. This definition shall apply to both residential and non-residential uses, mobile-home parks, campgrounds and the resubdivision of land.

In determining whether a lot or parcel of land is subdivided, an owner may sell rent, lease, etc., two lots, if he retains the remainder for his own use for a single-family dwelling.

The sale, lease, etc., of any lot or parcel of 40 or more acres shall not be considered as being a part of a subdivision unless such sale or lease is to avoid the objectives of this regulation.

Subdivisions approved prior to Sept. 23, 1971 by the Board or other authorized Town officers or bodies, shall not be subject to municipal review, provided that at least two lots have been sold or leased.

Change to Read:

A Subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of such tract or parcel unless otherwise exempted herein, shall be considered to create the first two (2) lots and the next dividing of either of said first two (2) lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3rd. lot, unless both such divisions are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least five (5) years prior to such 2nd. dividing. Lots of forty (40) or more acres shall not be counted as lots.

Page 4, 5.1.1: Relocate to 5.1.3 and substitute the following as 5.1.1:

An applicant shall schedule an appointment with the Secretary of the Planning Board or its authorized representative to submit a Sketch Plan. Sketch Plans will be received only at the regular Planning Board Meeting which is held at 7:30 p.m. on the second Wednesday of each month in the Town Office Building, located on Lakewood Drive, off Old Alfred Road.

Page 5, Under PRELIMINARY PLAN, insert:

Note: The Planning Board will not accept a preliminary Plan for review until the Pre-application procedure has been completed.

Page 5, 6.1.5 now reads:

6.1.5 Within 60 days after formal submission of a Preliminary Plan, the Board shall take action to give preliminary approval, with or without modification required, or the grounds for disapproval shall be stated in the minutes of the Board and conveyed to the applicant in writing. Prior to approval of the Preliminary Plan, the Board may hold a public hearing.

Change to read: Within 60 days after formal submission of a completed Preliminary Plan Application, the Board shall take action to give preliminary approval, with or without modification required, or the grounds for disapproval shall be stated in the minutes of the Board and conveyed to the applicant in writing. Prior to approval of the Preliminary Plan, the Board may hold a public hearing.

Page 6, 6.1.8 now reads:

- 6.1.8 The developer shall notify the abutters, by registered mail, of his proposed subdivision, stating that they will have thirty (30) days from the mailing date in which to register with the Planning Board by appearance or by mail, any objections to or comments upon it; the developer shall at the same time send a copy of the notice to the Board.

Change to read: Within seven (7) days after submitting the Preliminary Plan, the developer shall notify, by registered mail, all property owners within two hundred (200) feet of the perimeter of the proposed development of his intentions. Said notice shall inform them that they have seven (7) days from the mailing date in which to register, by mail, with the Waterboro Planning Board, their adverse reaction and comment relative to the proposed subdivision. The developer shall, at the same time, send a copy of the notice and list of those notified to the Board.

Page 7, paragraph 11, now reads:

11. Deed description and map of survey of tract boundary, made and certified by a registered land surveyor, tied to established reference points. Reference to lot number or numbers as shown on the Town Tax Maps and Book and Page of the recording.

Change to read: Deed description of and plan of perimeter survey of tract to be developed, made and certified by a Registered Land Surveyor and tied to established permanent reference points; reference to lot number or numbers as shown on the Town Tax Maps, also book and page in and on which the deed for the tract is recorded.

Page 8, add as 6.2.2:

- 6.2.2 Land covered by proposed subdivision shall be so marked in the field that the Planning Board may readily observe locations of proposed roads and lot corners while making its on-site inspection.

Page 9, 7.1.1, add to the end of the first sentence: (See Appendix IV)

Page 10, 7.2.1, THE FINAL PLAN, now reads:

-----and shall be submitted along with 2 white-background prints of it.-----

Change to read: -----and shall be submitted along with 10 white-background prints of it.-----

Page 11, 7.4.3, The second sentence now reads: If a subdivider wishes to alter the approved plan he shall submit a revised plan consisting of the entire subdivision or, if the plan consists of more than one sheet, that entire sheet on which the alteration is proposed.

Change to read: If a subdivider wishes to alter the approved plan he shall submit a revised plan consisting of the entire subdivision or, if the plan consists of more than one sheet, that entire sheet on which the alteration is proposed and if any lots have been sold or are under sales contract, written evidence shall be submitted that interested parties have consented to the proposed changes.

Page 13, 8.3 Lots, now reads:

8.3 Lots All house lots in a proposed subdivision shall be layed out to have no less than one acre and no less than 200 feet frontage on a street, except, when abutting a turn-around, the frontage shall be not less than 50 feet.

Change to read: Minimum lot sizes shall conform to whatever Municipal, County, State or Federal ordinance or statute is applicable, the most restrictive taking precedence.

Page 15, add:

8.7 Dry Hydrants The Board may require that the developer provide, under the direction of the Fire Chief, a dry hydrant for fire protection.

8.8 Green Belts

8.8.1 If the proposed subdivision abuts Routes 5 or 202 or 4, and all state-aid-roads, a strip of land not less than 25 feet and not more than 100 feet in width adjacent to said highway and running along said highway may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on the Preliminary and Final Plans.

8.8.2 If the proposed subdivision abuts a Town road, a strip of land not less than 25 ft. or greater than 50 ft. in width and adjacent to said road and running along said road may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area (a conservation easement may be conveyed to the Town of Waterboro over said strip). Said green belt shall be shown on Preliminary and Final Plans.

8.9 Access Streets Where a proposed subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial street) with green strip in accordance with paragraphs 8.8.1 and 8.8.2 along the rear property line or such other treatments as may be necessary for adequate protection of the residential properties and to afford separation of through and local traffic.

Add as Appendices to the Subdivision Regulations:

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| A. Appendix I | Preapplication Procedure for Subdivision Approval |
| B. Appendix II | Receipt of Application |
| C. Appendix III | Application for Subdivision Approval - Preliminary Plan |
| D. Appendix IV | Final Subdivision Plan Application Form for Major Subdivision of Land - Planning Board of the Town of Waterboro |
| E. Appendix V | Technical Checklist of Material to be Submitted for Use In Subdivision Plan Review |
| F. Appendix VI | Administration Procedures: Checklist for Use in Subdivision Plan Review |