

Town of Bristol

Subdivision Ordinance

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3/17/2009
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3/15/2011
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3/17/2015

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SUBDIVISION ORDINANCE

A. GENERAL PROVISIONS

1. Subdivision: A subdivision shall mean a division of a tract or parcel of land or its equivalent, as defined in 30-A MRSA §4401. The term subdivision for the purposes of this ordinance, refers both to the creation of lots, the building of dwelling units, and the division of existing buildings into dwelling units as covered in the state subdivision law. This does not apply to the exceptions as defined in M.R.S.A. Title 30-A §4402. The following review criteria as set forth in 30-A MRSA §4404 shall be used. See Appendix B.
2. Density Determination: Subdivisions are categorized as either low density or high density based on the concentration of dwelling units and the concentration of resources required and waste products produced. The criteria for determining which density category a proposal falls in is given below:
 - a. Low Density: If each lot of a subdivision or the parcel surrounding each proposed dwelling unit meets the front, side and rear yard setback and minimum lot size standards, acreage and road or water front requirements each dwelling unit has an independent sewage treatment system and water supply, the subdivision is a Low Density (L) project.
 - b. High Density: Any subdivision that does not meet the criteria for a Low Density project is a High Density (H) project. Apartment building, condominium, or cluster developments are High Density projects.
3. Size Determination: subdivisions are also categorized by size based on the number of lots or dwelling units being created whichever is greater. Determination is based on the following table:

SIZE DETERMINATION TABLE

<i>Rating</i>	<i>Size</i>	<i>Maximum # of Lots or Dwelling Units</i>
Sm	Small	14 or less
L	Large	15 or more

B. PROCEDURE

1. Pre-Application
 - a. Prior to submitting an Application for subdivision approval and the Preliminary Plat Plan, the Applicant shall attend a Pre-Application Meeting to discuss the proposed subdivision.
 - b. The Applicant may present to the Board, for informal review and comment, a sketch plan of the proposed subdivision. The sketch plan shall consist of a rough outline of the proposed subdivision, and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of streets, lots, and other features which may be of assistance to the Board in making its determinations.
 - c. The purpose of the Pre-Application Meeting is to informally discuss the proposal and the provisions of Town ordinances. No binding commitments may be made between the Applicant and the Board on a Pre-Application or sketch plan.

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- d. During the Pre-Application Meeting, Board members may request to view the site. If requested, the Applicant must arrange an inspection of the site with the Board before submission and acceptance of the Preliminary and/or Final Plat Plan.
 - e. Upon submission of a sketch plan, the Board shall decide the specific requirements for Preliminary Plat Plan submission. If the Board finds the proposed subdivision is a small, low density subdivision, it may waive the requirement for a Preliminary Plat Plan, in which case the Final Plat Plan shall be submitted with the Application.
2. Application
- a. The Applicant shall submit the Application to the Town Office.
 - b. When submitting the Application, the Applicant shall pay to the Town a non-refundable Application Fee as established by the Selectmen.
 - c. When submitting the Preliminary or Final Plat Plan, the Applicant shall pay to the Town a consulting cost fee in an amount equal to fifty dollars (\$50.00) for each proposed lot or dwelling unit (whichever is greater) in the subdivision. That fee shall be in addition to the Application Fee. It shall be deposited in an account and identified to the Application. The fee may be used at the Board's direction to provide consulting, engineering, or other professional services to the Board in evaluating the Preliminary and Final Plans. The Board may require an additional deposit if it finds that additional professional services may be required by the Board. Any balance remaining in the consulting cost fee shall be returned to the Applicant.
 - d. An Application for subdivision approval is not complete until a Final Plat Plan, based on a survey, has been submitted and accepted as complete. A Final Plat Plan and related materials may be submitted without prior contact, but an Applicant is advised to use the Pre-Application Procedure.

C. APPLICATION CONTENTS

The following shall be required on all applications. Appendix A and Section F of this ordinance contain further requirements.

- 1. The Application Form, available online or at Town Hall
 - a. Name of Owner
 - b. Name of Applicant (if other than owner)
 - c. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
 - d. Name of Applicant's authorized representative, if applicable.
 - e. Name, address, and number of Registered Professional Engineer, Land Surveyor, or other Professional.
 - f. Address to which all correspondence from the Board should be sent.
 - g. The interest the Applicant has in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)
 - h. The interest the Applicant has in any property abutting the parcel to be subdivided.

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- i. State whether Preliminary Plat Plan covers entire, continuous holdings of Applicant or not.
 - j. Location of property: book and page (from Registry of Deeds) and map and lot (from the Assessor's Office).
 - k. Current zoning of property.
 - l. Acreage of parcel to be subdivided
 - m. Indicate the nature of any restrictive covenants to be placed on deeds.
2. Attachments
- a. A copy of the organizational charter of the subdivision, and any restrictive covenants.
 - b. A soils report, identifying soil types and evidence of soil suitability tested for sewage disposal for each lot prepared by a Licensed Soil Evaluator together with the location of a test pit on each lot. Based on soil test results, certain modifications of the Preliminary Plat Plan may be required (attach a copy of soils report to application). There shall be at least one soil test per lot.
 - c. A letter from the Maine Historic Preservation Commission or a qualified professional that there is or is not a high potential of an archaeological site on the parcel.
 - d. A location map, consisting of a Topographical Map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within two-thousand five hundred (2500) feet of any property line of the proposed subdivision.
 - e. A soil erosion and sedimentation control plan.
3. Preliminary Plat Plan
- The following items are to be shown on the Plat Plan
- a. Proposed area of subdivision.
 - b. Lots shall be numbered.
 - c. Date, North point, graphic map scale.
 - d. Proposed lot lines with dimensions.
 - e. Locations of subsurface sewage disposal sites for each lot.
 - f. Location of temporary markers adequately located to enable the Board to locate lots readily and appraise basic lot layout in the field.
 - g. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided.
 - h. Location of parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved.
 - i. Perennial and intermittent watercourses and wetlands, and other essential existing physical features. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.

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- j. Identification of significant or unique natural resources, habitats, areas, or environments, including outstanding river segments and flood plains.
- k. Certification by a Registered Land Surveyor or Professional Engineer, survey to be tied to established reference points.
- l. The Preliminary Plat Plan shall not be less than twenty-four inches (24") by thirty-six inches (36"), and shall be drawn to a scale of not greater than one inch (1") equals one-hundred feet (100'): The Board may allow plans on a scale of one inch (1") equals two-hundred feet (200') for subdivisions greater than one-hundred (100) acres, if all details are clearly depicted. At least four (4) copies shall be provided.

4. Optional Information.

The Board may also require the following information if it deems it useful to its consideration of the Application:

- a. Location and size of existing buildings.
- b. Location and size of any existing septic systems and wells, and culverts and drains.
- c. Location, names and widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces.
- d. Contour lines at an interval of not more than five, ten or twenty (5, 10, 20) feet in elevation, as specified by the Board, referred to U.S. coastal and Geodetic survey benchmarks if such exists within five-hundred (500) feet of the subdivision.
- e. Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities.
- f. The approximate route of proposed underground utility wiring or above ground utility poles. Developers are encouraged to consider underground utility wiring.
- g. Other information not indicated above, as specified by the Board.

5. Informational Statements

a. Public Safety/Environmental Protection Factors

Based on the requirements in Appendix A, informational statements addressing the specific measures proposed to ensure the public safety and environmental protection are required in the following areas:

- i. Water Supply
- ii. Sewage Treatment
- iii. Soils Conservation Measures
- iv. Road Safety Standards
- v. Storm Water Management Plan

b. Town and Public Services

Based on potential impact of town services, written informational statements addressing the below listed services may be required. Written informational statements are required for large subdivisions.

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- i. Fire protection
- ii. School enrollment and busing
- iii. Public/Private water service
- iv. Town refuse handling and treatment
- v. Public roads

D. BOARD ACTION

1. Upon receipt of the Application by the Board or its designee a dated receipt shall be issued.
2. Within thirty (30) days of the date of issuance of the receipt, the Board shall review the Application and shall notify the Applicant in writing either that:
 - a. With the exception of the submission of a Final Plat Plan, the Application is complete;
 - b. In addition to the submission of a Final Plat Plan, specific additional materials may have to be submitted to make a complete Application. The Board shall list the specific additional items that must be submitted.
3. If there are deficiencies with the material submitted which require correction before the submission of the Final Plat Plan, the Board shall in writing identify these deficiencies. Submission of the Final Plat Plan without correcting these deficiencies shall be grounds for disapproval.
4. On determination that the Application is complete, the Board shall notify the Applicant and schedule a public hearing, after public notice. The hearing shall be held within thirty (30) days of determining that an Application is complete.

E. FINAL SUBMISSION

1. Within six (6) months of the notice that the Application has been approved as complete, the Applicant shall submit the Final Plat Plan. Failure to submit within the designated period shall void the Application.
2. The Final Plat Plan shall consist of one original transparency (mylar) and three copies of each plan, map or drawing. In addition to the items required on the Preliminary Plat Plan, the following items shall be required on a Final Plat Plan:
 - a. The name, registration number, and seal of the registered land surveyor who prepared the Final Plat.
 - b. The location of all rights-of-way, streets or roads, including, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings. The Final Plan shall show a line in the center of each street with dots every fifty (50) feet as an aid in assigning numbers to structures subsequently erected. Approval by the Planning Board shall authorize the assignment of road names and lot numbers in the subdivision.
 - c. The designation of all easements, areas reserved for or dedicated to public use and areas reserved by the Applicant.
 - d. The location, bearings, and length of every lot line, with all lots to be numbered.

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- e. The location of permanent markers set at all lot corners.
- f. Suitable space to record on the approved plat the date and conditions of approval, if any.

This space shall be similar to the following example:

Approved Town of Bristol Planning Board

Signed

Date _____, Chairman

_____, Member

_____, Member

_____, Member

_____, Member

Conditions:

- 3. A performance guarantee to secure completion of all required improvements and written evidence that the selectmen are satisfied with the legal sufficiency of the guarantee (see Paragraph F, 13).
- 4. Copies of any restrictive covenants or similar documents and written evidence that the Board is satisfied with the legal sufficiency of those documents.
- 5. If owners are to share commonly owned land within the subdivision or share in the use and maintenance of common water supply, sewage treatment system or road, organization documents or the organization authorized to conduct these functions, and documents specifying owners' responsibilities and liabilities.
- 6. Board Action
 - a. Notification of Completed Subdivision Application.
 - 1. On receipt of the Final Plat Plan and all of the required information, the Board shall provide the Applicant with a dated receipt.
 - b. Final Decision.
 - 1. The Board shall, within sixty (60) days of receiving a final Plat Plan, issue a decision either denying or granting approval of the application or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this ordinance.
 - 2. On approval of the Final Plat Plan, the Board shall sign all four (4) copies. The original mylar shall be filed with the Lincoln County Registry of Deeds by the Applicant. One (1) copy shall be returned to the Applicant, one (1) copy shall be retained by the Board, and one (1) shall be filed with the Town Clerk.
 - 3. The Board shall maintain a permanent record of their action on the Final Plat Plan.

F. GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

1. The subdivision must conform to all local, State, and Federal statutes, laws and ordinances. If the subdivision meets the definition of subdivision as defined in the Site Location Act, 38 M.R.S.A §482, the Applicant must secure the approval of the Board of Environmental Protection and the Planning Board.

When a subdivision requires approval of the Planning Board and the Board of Environmental Protection, each review may be conducted simultaneously. However, each review is independent, and the Planning Board may deny approval even though the Board of Environmental Protection has granted an approval.

2. No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the parcel until a Final Plat Plan has been approved and recorded in the Lincoln County Registry of Deeds.
3. Plans for road construction, grading and ditching shall be reviewed by the Selectmen for recommendations prior to Board approval. Before construction of required improvements begins, the Applicant shall provide the Code Enforcement Officer with adequate written notice and a proposed schedule of construction. In addition, there shall be at least one (1) on-site inspection by the Selectmen or their designee during construction, with the assistance of the Applicant's engineer. Inspections may be conducted at any time by the Planning Board, CEO or a Selectman. If any of the above officials finds that required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, the Applicant shall be notified in writing and required to take appropriate action to correct the problem(s). The CEO shall be notified by the Applicant when remedial action has been taken. If the Selectmen deem a professional registered engineer is required to assist them, the fees shall be borne by the applicant. The Applicant or his engineer shall certify completion and compliance with road standards for road construction to the Selectmen.
4. A storm water management plan, prepared by a registered professional engineer, shall be designed so that the post-development storm water runoff does not exceed the pre-development storm water runoff for the 24-hour duration, 2-, 10-, and 25-year frequency storm events. The storm water plan shall be prepared in accordance with *Stormwater Management for Maine: Best Management Practices*, latest edition. The storm water plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Knox-Lincoln Soil and Water Conservation District.
5. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP.
6. An erosion and sediment control plan shall be prepared in accordance with the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be provided:

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- a. The name, address, and telephone number of the person responsible for implementation of the plan.
- b. A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.
- c. Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.
- d. A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
- e. Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
- f. Description of temporary and permanent erosion control practices that will be used.
- g. Identification of the locations of the temporary and permanent erosion control practices.
- h. Identification of how and where collected sediment will be disposed.
- i. Dust control measures.
- j. Inspection and maintenance procedures, including schedule and frequency.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District.

7. A phosphorous control plan for any portion of the subdivision within the watershed of a great pond, if required by the DEP.
8. The Applicant shall provide for the installation of ditches, catch basins, piping systems or other appurtenances for the conveyance, control or disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion, on and off-site.
9. The Board may require the Applicant to provide easements for drainage or other utilities to individual lots when necessary to insure those services can be provided within the subdivision.
10. The Board shall consider the criteria set forth in the Guidelines contained in 30-A M.R.S.A. §4404, and shall determine that they have been, or will be, met.
See Appendix B.
11. Lots and Density shall be as follows:
 - a. The width, depth, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated. Side lot lines shall be generally perpendicular to the street or to the tangent of the curve of the street unless parcel configuration or lot topography justifies otherwise. The depth of a lot with a front line of less than two-hundred (200) feet shall not exceed the front line length by a ratio of more than a depth of three (3) to a width of one (1) and shall be of such dimensions that the lot will accommodate within its boundaries a square of not less than one-hundred (100) feet on a side.

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- b. For cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-clustered lots. Density shall be calculated by dividing the net residential acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units.
12. In calculating the area for minimum lot sizes, open space or non-residential acreage in a cluster development, the Board shall not include:
- a. Land below the normal high water mark of a water body.
 - b. Land within the one-hundred (100) year frequency flood plain. In determining the flood plain, the elevation of filled or made land shall not be considered. (FEMA Flood Maps.)
 - c. Land subject to a right of way or easement preventing construction, including a utility easement.
 - d. Land created by filling or draining a water-body or wetland.
 - e. Land within a Resource Protection District.
13. A performance guarantee is to be provided as follows:
- a. The Board shall require that the Applicant file at the time of submission of the Final Plat Plan adequate proof of the availability of a performance guarantee. This may be tendered in the form of a certified check payable to the Treasurer of the Municipality, a performance bond endorsed to the municipality and issued by a surety company acceptable to the Municipality, an irrevocable letter of credit from which the Municipality may draw, or an equivalent guarantee. The conditions and amount of such performance guarantee shall be determined by the Board with the approval of the Selectmen. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all public improvements specified on the Final Plat Plan including public or private roads or streets, storm drainage, shared sewage treatment systems and other public utilities or improvements. The performance guarantee shall provide for completion of the improvements within two (2) years of the date of the performance guarantee.
 - b. The Board may recommend to the Selectmen, and the Selectmen may grant a maximum extension of twelve (12) months to the performance guarantee period when the Applicant can demonstrate, to the satisfaction of the Board good cause for such extension.
 - c. The Board may recommend to the Selectmen, and the Selectmen may relieve an Applicant from all or part of his obligation under the performance guarantee, as improvements have been satisfactorily completed in accordance with all applicable standards.
 - d. The Board may waive the requirement of a performance guarantee or a portion thereof and accept a properly executed conditional agreement with the Municipality. That agreement shall be endorsed in writing on the Final Plat Plan. The endorsement shall state that the Board approved the Final Plat Plan, on the condition that no lot may be sold and no building permit may be issued for construction of any building until the Board or their designee shall have certified that all improvements have been made.
 - e. Before construction may begin, the Applicant shall file the approved performance guarantee with the Town.

14. Changes, Erasures, Modifications and Revisions:

- a. **Minor Field Changes:** If at any time it is necessary to modify the plans before or during the construction of the required improvements, the CEO is authorized to approve Minor Field Changes that do not alter lot lines or affect the approval criteria due to unforeseen circumstances (such as encountering hidden outcrops of bedrock, natural springs, etc). The CEO shall issue any approval of said Minor Field Changes under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be submitted to the CEO as a Subdivision Amendment, as described below.
- b. **Major Field Changes:** Other modifications, such as relocation of rights of way and property boundaries and changes of grade by more than 1% shall require a Subdivision Amendment, as described below.
- c. **Existing Subdivisions:** Any changes, erasures, modifications or revisions to an existing Subdivision shall require a Subdivision Amendment, as described below.
- d. **Subdivision Amendment:** If the CEO determines that the revision, change or modification requires approval of the Planning Board, an application for a Subdivision Amendment shall be submitted. A proposed amendment is not required to go through the complete review process as a new subdivision unless, in the judgment of the Planning Board, the amendment is so substantial as to alter the character of the originally approved subdivision.
 1. **Procedure:** The Applicant shall attend a meeting with Planning Board to discuss the proposed change. The Planning Board, at that time, may establish the requirements for the amended plans, and application information, notices, or hearings as deemed appropriate.
 2. **Submissions Requirements:** The final submission shall include one (1) 24" x 36" mylar and three (3) 24" x 36" copies of the proposed Amendment and an Application. The Application shall also include the appropriate supporting information to allow the Board to make a determination that the proposed revision meets the standards of this Ordinance and the criteria of 30-A M.R.S.A. §4404, as such may be amended from time to time. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the original name of the subdivision and the map book and page/sheet on which the original plan is recorded at the Registry of Deeds, as well as a revision date and description of said revision.
 3. **Scope of Review:** The Planning Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and the impacts and effects of such changes.
- e. **Non-compliance:** In the event that an amended Final 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 municipal officers and the registry of deeds and/or to enjoin any development attempted or commenced pursuant to said plan.
- f. The Selectmen shall, in conjunction with the Planning Board, establish the application fees.

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15. As a minimum, the design and construction of all streets and roads shall comply with the specifications below. All other roads shall be constructed and maintained to private road standards listed below. The Board may require additional road requirements based on the recommendations of a qualified person, Fire Company or the Office of Superintendent of Schools. Owner maintenance responsibilities shall be included in the organization charter.

The following construction standards apply to roads:

Right of Way - Fifty (50) feet wide.

Clearing - Thirty-two (32) feet wide, leaving healthy trees between cleared area and outside edge of right of way.

Excavation - Stumps and rocks over six (6) inches in diameter which will be less than eighteen (18) inches below the finished top must be removed.

Road width - Minimum of twenty (20) feet on finished top, plus three (3) foot shoulders.

Culverts - Fifteen (15) inch diameter to be placed at water bed level over prepared base.

Gravel

1. Sub-grade-Minimum of twelve (12) inches, eighteen (18) inches or more over ledges.
2. Base-Coarse material of six (6) inch minus grade to be applied to a minimum of twelve (12) inches deep.
3. Surface-Screened gravel three-quarter (3/4) inch or crushed aggregate applied two (2) inches in depth, or bituminous.

Ditches - Flow line to be two (2) feet below sub-grade breakpoint. Ditches and embankments to be seeded with a desirable grass mix.

Slope - Not to exceed ten percent (10%) slope on any road.

Turn-around - Adequate turn-around at end of dead end roads with diameter of one-hundred (100) feet wherever possible. See Exhibit 1 for examples.

Intersection where the private road meets the public road - the point of intersection must be of sufficient width to allow for an unobstructed view and safe turning into traffic lane.

Entrance onto a state road requires DOT approval.

Emergency Vehicles - Each road must be adequate to allow emergency vehicles to safely maneuver.

For small, low density subdivisions, the Board may reduce the clearing and road width requirements, when it determines that a lesser requirement would still clearly assure an adequate and safe roadway for the public and landowners.

16. Formal documents in the form of Covenants, Association Rules, or similar shall be required for the following purpose:

To clearly delineate the lot owner's responsibility and liability to maintain the sewage treatment, water supply, roads, common areas, and other common interest as appropriate. Conveyances shall include mandatory assignment of ownership obligations.

Such documents may not be altered with regards to maintenance obligations without

approval of the Planning Board.

An exception may be granted for subdivisions with NO common interests shared (i.e. roads, sewer, water, rights of way, common area, etc.).

17. The following restrictions shall be included in the Covenants that are attached to the deed to each property in an approved subdivision and on the final approved plan:
 - a. Any maintenance, plowing, planting, lighting, traffic control or improving of private roads and their maintenance will be the responsibility of the Applicant until the property-owners association assumes these functions. The Town assumes no responsibility for these within the subdivision.
18. The following provisions apply to a subdivision using cluster development:
 - a. In addition to all other requirements, the following provisions shall apply:
 1. Dimensional requirements, including setbacks and individual lots sizes may be altered consistent with the permitted clustering;
 2. The minimum area of land in a cluster development shall be three acres;
 3. The plan shall indicate the location of all proposed roads, rights of way, easements, structures, parking areas, footpaths and common open space; and
 4. Where it is abutting a water-body a common area to the water body shall be provided.
 - b. The following provisions shall apply to commonly held land in the cluster development:
 1. It shall be owned jointly or in common by the owners of the dwelling units by means of an association, or owned by a non-profit corporation which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.
 2. Further division of the common land is prohibited.
 3. Use of the common land located within the Shoreland Zone shall be regulated by the standards of the resource protection district under Section 13, Bristol Shoreland Zoning Ordinance, except that the uses prohibited under Table 1, Section 14, shall also be prohibited.
 4. The common land shall be shown on the Final Plan with appropriate notation on the plan to indicate that it shall not be used for future building lots.
19. If, on the basis of a letter from the Maine Historic Preservation Commission or a qualified professional stating that there is a high potential of an archaeological site on the parcel, the Planning Board may require additional information such as an archaeological site survey report. The Planning Board may limit the development of the parcel to preserve or protect that site or may approve a plan or conditions to provide for appropriate evaluation, excavation or protection of the site.

APPENDIX A: PUBLIC SAFETY AND ENVIRONMENTAL PROTECTION

1. In a High Density Subdivision, proof acceptable to the Planning Board of an adequate water supply of tested quality shall be submitted with the final application. This statement should

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contain as a minimum the number of dwelling units the system is to support, water volume required for this number of dwelling units, the flow volume available and its effect on the supply, and the quality test results of the water available.

2. Proof of the following shall be provided for sewage disposal systems:
 - a. In Low Density Subdivisions: proof of at least one acceptable soils test site on each lot.
 - b. In High Density Subdivisions: proof that the proposed system can adequately handle the anticipated volume of effluent. Specifically included must be:
 1. Anticipated daily volume of effluent per State/Town standards;
 2. Maximum daily capacity of the proposed system;
 3. Proof of adequate soils capable of handling the maximum capacity volume;
 4. Shortest distance from leach field to open bodies of water and detailed contour charts of the area between the leach field and the water bodies.
3. In a Large High Density Subdivision, a written statement, prepared by a qualified engineer, stating the adequacy of safeguards against erosion and contamination shall be required, including a list of the specific safeguards incorporated and the rationale for their implementation. Emphasis will be given to this category for projects proposing large areas of impervious surface (structures, paving, etc.) and lots encompassing grades in excess of twenty percent (20%) of their surface.
4. For a Large Low Density or Large High Density Subdivisions a written statement by a qualified engineer stating the adequacy of the proposed road design shall be required. This shall include as a minimum the following:
 - a. An estimate of normal traffic intensity levels and the maximum traffic levels the roads can safely handle;
 - b. The ability of roads to handle emergency vehicles;
 - c. The adequacy of roadbed quality and width including adequacy of proposed drainage conduits;
 - d. The safety of all intersections, both internal and meeting existing public roads, including grades and visibility at intersections;

APPENDIX B: SUBDIVISION REVIEW CRITERIA, TITLE 30-A MRSA

§4404. Review criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

1. 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 flood plains
- B. The nature of soils and subsoils and their ability to adequately support waste disposal
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

4. Erosion. 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;

5. 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 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 Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

7. Municipal solid waste disposal. 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;

8. 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 municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

9. Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

11. 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, section 435-449, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, section 435-449, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Title 30-A section 4401, subsection 1, on September 23, 1983;

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

13. 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 subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision;

14. 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;

15. 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 Title 38, section 480-B, subsection 9;

16. Storm water. The proposed subdivision will provide for adequate storm water management;

17. 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 Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

18. 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;

19. 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

20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority 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. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority 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 Title 12, section 8868, subsection 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. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

APPENDIX C - DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, any word or term defined in the Bristol Shoreland Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

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

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

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

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, 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, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations unless waived, after the applicant's written request, by a vote by the Board. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§ 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic

or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A vehicular accessway serving two lots or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty 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.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

- 100-Year Flood:** The highest level of flood that, on the average, has a one percent chance of occurring in any given year.
- High Water Mark, Coastal Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.
- High Water Mark, Inland Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.
- Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.
- Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.
- Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.
- Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Article 10.
- Net Residential Density:** The average number of dwelling units per net residential acre.
- New Structure or Structures:** Includes 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.
- Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- Planning Board:** The Planning Board of the Town of Bristol.
- Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
- Professional Engineer:** A professional engineer, registered in the State of Maine.
- Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.
- Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.
- Reserved Affordable Housing:** Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.
- Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.
- Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.
- Street:** Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

List streets designated as arterials in the comprehensive plan or other planning document.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended.

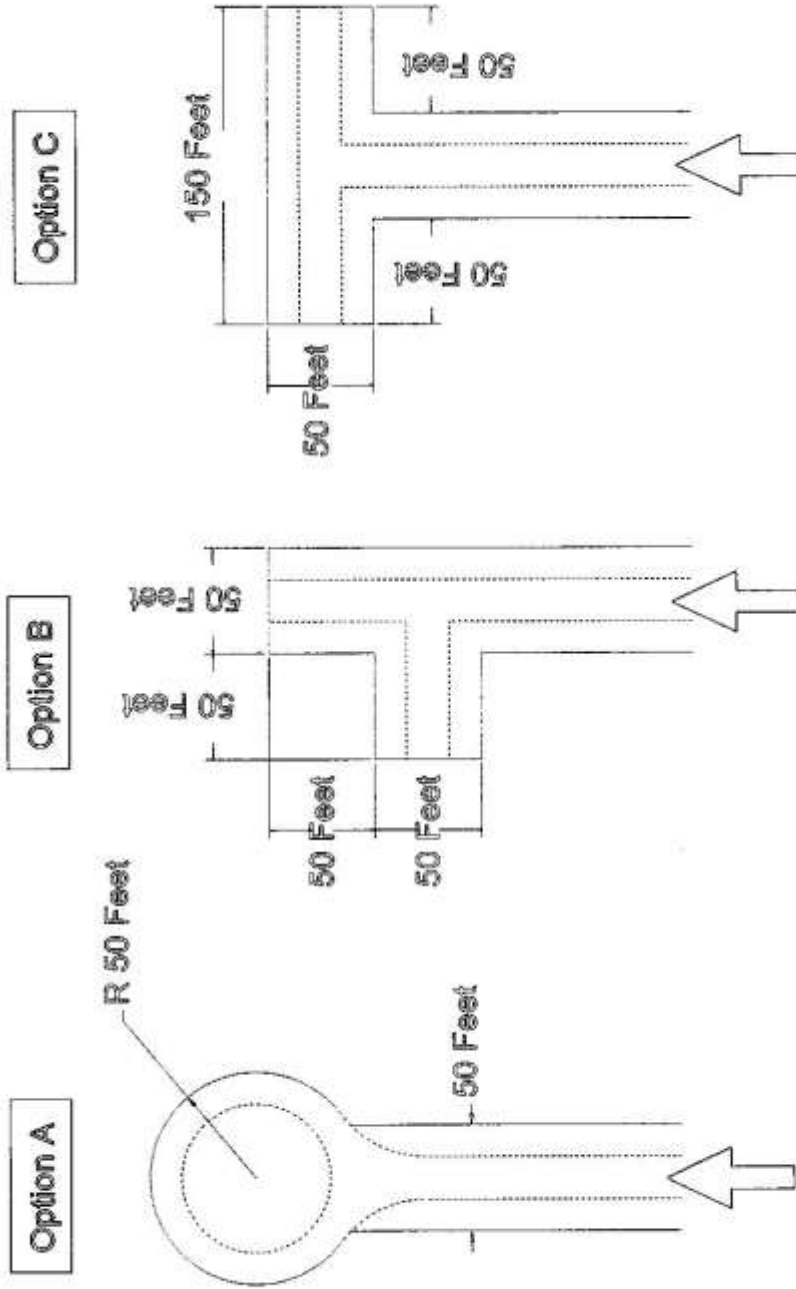
Optional addition to this definition: A lot of 40 or more acres shall not be counted as a lot for the purposes of this definition when the parcel of land being divided is located entirely outside any shoreland areas as defined in the Town of Bristol Shoreland Zoning Ordinance.

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 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.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

EXHIBIT 1

Subdivision Regulation (Bristol)



Suggested modifications to

Subdivision Reg. adopted 10/12/1989

4A.10 Minimum turn-around (dead end street):

- 1) Shall be staked out
- 2) Shall conform to either option A, B, or C
- 3) Roadway to have a min of 20' top width
- 4) Roadway to have a min of 3' shoulder

Note: Dashed lines are for illustration only

3/6/2003